

AN *5th*
ABRIDGEMENT
OF THE
LAWS

In Force and Use in

Her Majesty's Plantations;

(*Viz.*) OF

VIRGINIA,	}	NEW-ENGLAND,
JAMAICA,		NEW-YORK,
BARBADOES,		CAROLINA, &c.
MARYLAND,		

Digested under proper Heads in the Method of Mr. *Wingate*, and Mr. *Washington's* Abridgements.

L O N D O N,

Printed for *John Nicholson* at the *King's-Arms* in *Little Britain*, *R. Parker*, and *R. Smith*, under the *Royal-Exchange*, and *Benj. Tooke* at the *Middle-Temple-Gate* in *Fleetstreet*, 1704.



THE PREFACE.

MOST Gentlemen trading to, or concern'd in Her Majesty's Plantations, having frequent Occasion to consult the various Laws of each Place, do constantly meet with great Difficulty in procuring them; some being so scarce as hardly to be come at, and others very bulky and dear. Hereupon 'twas thought necessary to get them all together, tho' at the Expence of about Five Pounds, and for the common Advantage to make an Abridgement of them; following the same Method which was made use of in the Continuation of Mr. Washington's Abridgement, and which Mr. Wingate had formerly used.

To the Performance of which the Publishers were encouraged by several Gentlemen concerned in those Countries, judging it very useful for those that liv'd there, or had any Concern therein, as well as other Persons who would be willing to compare the Laws and

The PREFACE.

Constitutions of each Country, or Province, one with another.

This Work having been a Considerable Time in preparing and perfecting, it gave opportunity of procuring from those Parts several Laws in Manuscript, and some very lately made, which are added in the Appendix.

The Whole is perform'd with all Care and Exactness; and it can hardly be doubted but 'twill give satisfaction to the Candid Reader: And hereafter, if any Gentlemen in those Parts will transmit to the Booksellers any Authentick Laws that have not been printed, or any New Laws that have been, or shall be made in any other of Her Majesty's Plantations, Care shall be taken to put them in a proper and suitable Method, and they shall be printed in another Volume. So wishing Health to all our Plantations, and Prosperity to the Trade thereof,

London,
March 1. 1703.

Farewel.

I.
A
But no
manne
Debtor

THE
Acts of Assembly
AND
L A W S
OF
V I R G I N I A,

Abridg'd under Proper Heads.

A.

Accounts.

- I. **A** NNO 1662. Ch. 94. A Defendant sued for a Debr, may discount Bill, Bond, or Account, whereby the Plaintiff appears indebted to him, and Judgment shall be given for no more than the Balance will amount to: But no Bill or Account assigned, shall be pleadable in such manner, without notice first given by the Assignee to the Debtor.

B

II. Ch.

II. *Ch. 95.* No Book-Debts or Accounts shall be pleadable against the Estate of any Person deceased; nor against any living if the Defendant denies the same upon Oath; unless they be Accounts by Acts of the Assembly, Levies, or Chirurgeon's Accounts.

III. No Man shall be put to his Oath upon any Ordinary-Keeper's Account; But the Ordinary-keeper must produce the Defendant's Hand for Drink or Provision, otherwise his Debt shall not be pleadable.

IV. *Ch. 96.* Accounts against a Dead-man's Estate shall be admitted in Discount: But if the Account brought against the Estate exceed that due to the Estate, the Survivor, for the Overplus, shall be dismiss without day.

V. *An. 1679. Ch. 4.* Debts or Accounts against Deadmens Estates, contracted within one Year, are pleadable and recoverable, such Debts being fairly proved by the Oath of the Creditor and one Witness more, and that there is no Discount to be made that he knows of.

Administration.

I. *An. 1662. Ch. 64.* Administration of Intestate's Estates, and Probates of Wills, shall be made in the County Courts, Securities taken, and Inventories received there. All which shall be certified into the Secretary's Office, that Strangers and Creditors may be the better enabled to find out the Records, and be informed how they may come to their just Debts.

II. *Eod. Ch. 65.* Administration shall not be granted till 9 Months after the Party's Decease, except to the Widow or Child; they to give Security, and to bring in an Inventory made by 4 sworn Appraisers. In case there be no Widow or Child, then the Estate shall be sold by the Court at an Outcry; out of which the Creditors of the Intestate to be paid according to Priority; and the Surplus, if any, to be delivered to the next Kinsman: if none such appears within 3 Years, then the Court to account for the same to the Assembly, who are to dispose thereof to the use of the Country, allowing reasonable Charges.

III. Where Widow or Child administers, the Surplus (after Debts paid, and Funeral Expences) to be equally divided between the Widow and Children; viz. one Third to the Widow, and two Thirds to be divided among

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among the Children: if any of which die under Age, his part to go to the Survivors.

IV. Administrators shall give Security to be accountable, to bring in a true Inventory, and perform such things as they are by Law obliged unto.

V. Administrators dying before they have obtained their *Quietus*, their Heirs, &c. shall be accountable to the next Administrator.

Amerciaments.

I. *An. 1662. Ch. 27.* All persons that shall be cast in any Cause (whether Plaintiff or Defendant) shall be amerced, besides Damages and Costs, 50 *l.* of Tobacco in General Courts, and in County Courts 30 *l.* of Tobacco; to be levied by the Sheriffs of the respective Counties, by Distress, (Executors and Administrators excepted.)

II. *An. 1676. Ch. 11.* A Former Act touching Amerciaments upon Actions cast at Law, Repealed.

Ammunition.

I. *An. 1662. Ch. 120.* Every Man able to bear Arms shall have in his House a fixed Gun, 2 *l.* of Powder, and 8 *l.* of Shot, at least, to be provided by the Master of the Family, under the Penalty of being Fined 50 *l.* of Tobacco.

II. *An. 1666. Sess. 2. Ch. 9.* Every County shall be impower'd by their By-Laws, to make such Provision of Ammunition, at the County Charge, as their several Occasions shall require.

III. *An. 1673. Ch. 2.* Captains of Foot and Horse shall take a strict Account of what Arms are wanting, and represent the same to the Colonel, and he to the County Court, under Penalty of 1000 *l.* of Tobacco for a Captain, and 2000 *l.* of Tobacco for a Colonel.

IV. And the particular County Courts are impower'd to make a Levy for Arms and Ammunition to supply such Wants. The Arms, &c. so provided, shall remain in the hands of the Officers of the Militia, and they to distribute the same as there is occasion, those to whom such Distribution is made paying for the same at reasonable rates.

The County that fails in its Duty to provide as abovesaid, shall forfeit a Fine of 10000 l. of Tobacco.

Appeals.

I. *An. 1662. Ch. 26.* All Appeals made in any Court after the General Court in *March*, shall be heard by the Governor, or Itinerary Councils in their Circuit; from whose Sentence if any Appeal, it shall be to the next Assembly (if the Governor be present) or to the next General Court, from which the Councillors who gave their Opinion in the Courts below, shall be suspended during the Tryal. All Appeals made from the *October, December*, and other intervening County Courts, to be made to the next succeeding General Court, and from thence to the Assembly.

II. The Appellant shall give good Security for prosecuting the Appeal, and Payment of 50 *per Cent.* in case the Appellant be Cast, for his unjust Vexation.

III. Provided no Appeals be made from *Northampton* County, under the Value of 3000 l. of Tobacco, or 30 l. Sterling.

IV. All Causes, of what nature soever, may be tryed at the County Courts, except for Life or Member. No Arrests shall be to the General Court under the Value of 1600 l. of Tobacco, or 16 l. Sterling.

V. *An. 1662. Sess. 2. Ch. 10.* Defendants in Appeals shall give Bail for their Appearance, as in cases of Arrests; and the Sheriff and Bail shall be responsible for Non-appearance.

VI. *An. 1668. Ch. 3.* In all Actions, the Damages and Costs recover'd in County Courts against an Appellant, shall be raised 50 *per Cent.* in the General Court or Assembly, in case the Appellant be cast there also.

Apprisements.

I. *An. 1662. Ch. 48.* For the equal Apprisement of Goods taken in Execution, the Plaintiff and Defendant shall choose each two indifferent Men, and they, or three of them, in case of Disagreement, shall choose an Umpire, who shall be sworn to apprise such Goods indifferently,
and

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and his Umpirage shall be final. If the Plaintiff or Defendant neglect to appoint, the Sheriff shall appoint after three Days.

II. After Apprisement made, the Property shall vest in the Sheriff for the use of the Creditor. The Sheriff shall return the Execution to be enter'd upon Record.

III. Real poor men in Execution for Debt under 1000 *l.* of Tobacco, shall have their Estate equally apprifed by sworn Apprifers, and shall make payment thereof to their Creditor to redeem their Persons.

Arrests.

I. *An. 1664. Ch. 9.* No Person shall be Arrested at *James City* 5 Days before, or 5 Days after the General Courts or Assemblies, except he be an Inhabitant of *James City* County.

II. *An. 1682. Ch. 9.* The Inhabitants of *James City* County shall be privileged from Arrests in time of General Courts and Assemblies, and only the Inhabitants of *James City* liable.

Assemblies.

I. *An. 1662. Ch. 89.* The first Day of every Assembly shall be employed in receiving the Presentments of Grand Juries concerning their Breach of Penal Laws, and enquiring into the remissness of Juries and Courts, and how the Laws have been put in execution, and in disposing of Fines levied for the use of the Counties where they accrued.

II. *An. 1664. Ch. 6.* For the Convention of Burgesses at Assemblies, timely notice shall be given in the Parish-Churches of the Day appointed by the Sheriff of their meeting at the usual Places of Election, to present their Grievances to the Burgesses.

III. *An. 1668. Ch. 8.* For any Person maliciously to publish and declare, by Words or Writing, that the Acts of Assembly, not repeal'd or expired, vacated or null'd by the King, are not of force and binding to all his Majesty's Subjects within this his Dominion; such Persons shall be adjudged Seditious: and being thereof convicted, shall be Fined for the first Offence 1000 *l.* of Tobacco, and

suffer one Month's Imprisonment; for the second Offence 2000 *l.* of Tobacco, and two Month's Imprisonment; and for every Offence after double the Penalties and Forfeitures aforesaid: one half of which Forfeitures to the King, the other to the Informer, to be recovered by Action of Debt in any of his Majesty's Courts in this Country.

Attachment.

I. *An. 1665. Ch. 1.* Upon Suspicion of any Person's Intention to remove out of the County where he dwells, in order to conceal, or withdraw himself out of the Country; any Justice of Peace may issue out an Attachment against so much of his Estate, as by the Claim made shall appear due to a Creditor; repleviable upon Security given, &c.

II. Provided, that the said Justice take Security of him that desires such Attachment, to pay the Defendant such Damages as shall be awarded, in case the Plaintiff be cast.

Attorneys.

I. *An. 1662. Ch. 49.* No Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court within this Colony, shall be permitted to plead as an Attorney in the Court where he officiates; under pain of being Fined 1000 *l.* of Tobacco, to the use of the County. Yet the Court may assign a Commissioner to plead for a Pauper; but such Commissioner shall not give Judgment in that Cause. Any of the Officers above-mention'd, acting as general Attorney for any Person absent out of the County, may plead for his Employer.

II. *Eod. Ch. 82.* An Attorney, by any Power out of England or elsewhere, shall not implead any of this Colony, without first giving Security to answer Costs and Damages where the Defendant appears to be unjustly molested.

III. *An. 1680. Ch. 6.* None shall practise as an Attorney, or plead in a Court, unless first Licensed by the Governor, under pain of 600 *l.* of Tobacco for pleading without Licence in the County; and in the General Court, 2000 *l.* of Tobacco; one half to the King, the other

other to the Informer : to be recover'd by Action of Debr, &c.

IV. No Licensed Attorney shall demand or receive for bringing any Cause to Judgment in the General Court, more than 500 *l.* of Tobacco and Cask ; and in the County Court 150 *l.* and Cask : which Fees are allow'd him without any pre-agreement.

V. If any such Attorney shall refuse to plead any Cause in the respective Courts aforesaid for the foresaid Fees, he shall forfeit as much as his Fees should have been.

VI. This Act shall not debar any Man that is capable, from managing and pleading his own Cause in any of the said Courts.

VII. *An. 1682. Ch. 6.* A Repeal of the foregoing Act of 1680. *Ch. 6.*

B.

Baptism.

I. *Anno 1662. Sess. 2. Ch. 3.* Every Person who refuses to have his Child Baptized by a Lawful Minister, shall be amerced 2000 *l.* of Tobacco : half to the Parish, half to the Informer.

II. *An. 1667. Ch. ---* Enacted and declared, That Baptism of the Children of Slaves, or those of greater growth, doth not alter the Condition of the Person, as to his Bondage or Freedom.

Bills of Exchange.

An. 1666. Sess. 2. Ch. 18. Damages to be given upon Bills of Exchange drawn upon Persons in *England*, and there Protested, shall not exceed 50 *per Cent.* And a former Act giving 30 *per Cent.* Repealed.

Bounds and Limits.

An. 1663. Ch. 2. All the Inhabitants of the Eastern Shore of *Virginia*, from *Watkins Point* Southward, shall render Obedience to the Governor of *Virginia*, and pay the King's Rents and publick Dues to that Colony: which said Place of *Watkins Point* is concluded to be the North side of *Wiccacomico River* on the Eastern Shore. And in case the Lord *Baltimore's* Lieutenants or Deputies are not convinced of their pretended Intrusions, a Meeting is appointed to debate and determine the matter. In the meantime, the Inhabitants on the Eastern Shore are required to conform due Obedience to this Act.

II. *An. 1665. Ch. 6.* The same Law that is in force for the Bounding of Lands, shall be in force for Bounding of Counties and Parishes.

Burgesses.

I. *An. 1662. Ch. 50.* The Sheriff of every County, upon his Receipt of the Writ for Election of Burgesses, shall send Copies thereof, with the Day appointed for the Election, to the Minister of every Parish in his County, who is to read the same to the People in the Church two Sundays successively, and return the same to the Sheriff, with his Attestation. The Sheriff neglecting so to do, shall be Fined 2000 *l.* of Tobacco; and every Freeman neglecting, after such notice, to come and give his Vote, shall be amerced 200 *l.* of Tobacco. And the Sheriff who neglects to make due Return of the Writ, with the Names of the Burgesses endorsed, into the Secretaries Office at *James City*, shall be Fined 2000 *l.* of Tobacco.

II. *Eod. Ch. 83.* The Secretary shall provide for the timely conveyance of Writs for Election of Burgesses into every County, and for his pains shall be paid one Hoghead of Tobacco for every County; which Writs shall be signed 40 Days before the Day of Return.

III. *Eod. Ch. 84.* No County shall hereafter send above two Burgesses to the Assemblies. Provided, That *James City*, being the Metropolis of the Country, shall elect one Burgess for themselves: And every County that will

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will lay out 100 Acres of Land, and People it with 100 tithable Persons, shall have the like Privilege.

IV. *Eod. Ch. 85.* The Maintenance of every Burges shall be 150 *l.* of Tobacco and Cask *per day* ; beside necessary Charges of going and returning.

V. *Eod. Ch. 86.* A Burges not appearing upon the Day of the Return of the Writ, (unless upon reasonable Cause to be allow'd by the House) shall forfeit for every days absence 300 *l.* of Tobacco.

VI. *Eod. Ch. 87.* No Burges, nor any of his Attendants, shall be Arrested from the time of his Election, till 10 Days after the Dissolution of the Assembly wherein he serves. If the Assembly be Adjourn'd for above a Month, he shall be Privileged but 10 Days after the Sessions, and 10 Days before the next Sessions.

VII. *An. 1669. Ch. 7.* Every County shall Return two Burgeses.

VIII. *An. 1670. Ch. 3.* None but Freeholders and House-keepers shall have any Voice in the Election of Burgeses ; and the Election shall be at the Court-house.

IX. *Eod. Ch. 9.* Every County not sending two Burgeses to every Session of Assembly, shall be Fined 10000 *l.* of Tobacco, to the use of the Publick.

X. *An. 1676. Ch. 16.* The Allowance for every Burges for the future, shall be 120 *l.* of Tobacco and Cask *per day* ; to commence two Days before every Assembly, and continue two days after. And for their Travelling Charges, there shall be allow'd to those that come by Land 10 *l.* of Tobacco *per day* for every Horse so used : And for Water-passage, proportionable Charges are set forth and ascertain'd.

XI. No Expence of Committees shall be allow'd of for the future, or brought to the Publick Account.

Bye-Laws.

An. 1662. Sess. 2. Ch. 15. The severall and respective Counties, and Parishes in those Counties, shall have Power and Liberty to make Bye-Laws for themselves ; which Laws shall be binding upon them as fully as any General Act.

C.

Castle-Duties.

I. *Anno 1662. Sess. 2. Ch. 17.* Masters of Ships may pay for their Fort-Duties in kind; viz. half a pound of Musquet Powder, and 3 l. of Leaden Shot, for every Tun their Ship is of Burden, to the Captain of the Fort; or else pay the said Duties in Money or good Bills of Exchange.

II. *Anno 1669. Ch. 3.* Virginia Owners shall be exempted from paying Castle-Duties.

Cattel.

I. *Anno 1666. Ch. 123.* No Mares or Sheep shall be Exported upon forfeiture of treble the Value: one half to the Informer, the other to the Publick.

II. *Anno 1662. Sess. 2. Ch. 17.* Sheep shall be included among other sorts of Beasts, and Cattel, mention'd in the Act of 1666. Ch. 77. For which see *Fences, Ser. 1.*

III. *Anno 1662. Ch. 6.* Horses and Mares may be Exported, and the Act prohibiting the same Repeal'd.

IV. *Anno 1669. Ch. 2.* No Horses or Mares shall be Imported from any other Plantation or Government, under penalty to be seized by the Sheriff of the County, for the use of the Publick: out of the value thereof, half to the Informer.

Cessation.

I. *Anno 1666. Sess. 2. Ch. 1.* The Planting and Tending Tobacco from 1 February 1666, to 1 February 1667, prohibited in Virginia; and a Treaty appointed with those of Maryland and Carolina, for a like Cessation in those Countries also.

II. *Eod. Ch. 2.* Debts due in the Cessation-year from Planting (except Publick Dues) shall be one half down

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in kind, and the Debtor shall have Liberty for paying the other half till the 10th of November 1668, giving reasonable Security to pay the rest at the time aforesaid.

III. *Eod. Ch. 3.* Publick Dues, this Year of Cessation, shall be paid in the Country Commodities; viz. for a Bushel of Wheat 40 l. of Tobacco, or 4 s. and so for other Commodities rated proportionable, &c. The Debtors to pay the Grain in Casks, for which the Creditor to allow him 10 per Cent. as in the case of Tobacco.

Chirurgeons.

I. *Anno 1662. Ch. 92.* Any Person conceiving the Account of a Chirurgeon or Physician unreasonable, such Chirurgeon, &c. shall be compell'd to declare upon Oath in Court, the true Value, Cost, and Quantity of the Drugs administred; which the Court shall allow him, with 50 per Cent. advance; and such Consideration for his Care, &c. as they shall judge fit: but if it appears that he hath neglected his Patient, he shall be Fined at discretion.

II. *Eod. Ch. 93.* Chirurgeons Accounts shall be recoverable where the Parry dies, or where he recovers, six Months after, and no longer.

Church, and Church-Service.

I. *Anno 1662. Ch. 1.* A Church shall be built in each Parish of the Country, unless the Inhabitants are so few and poor as they are incapable of so great a Charge: then they shall be annex'd to some great Parish of the same County, and a Chapel of Ease built for them.

II. *Eod. Ch. 2.* For the more orderly managing of all Parochial Affairs, twelve of the most able Men of every Parish shall be chose to make a Vestry; out of which number, the Minister and Vestry shall choose two Church-Wardens yearly.

III. None shall be admitted of the Vestry without taking the Oaths of Supremacy and Allegiance, and subscribing to be conformable to the Church of England.

IV. *Eod. Ch. 6.* The whole Liturgy of the Church of England shall be thoroughly read at Church or Chapel every

ry Sunday; and the Canons for Divine Service and Sacraments duly observed.

V. *Ch. 7.* No other Catechism shall be taught or expounded than the Church Catechism inserted in the Book of Common Prayer.

VI. *Ch. 14.* In every Parish three or more places shall be set apart and fenced for places of publick Burial. And before the Burial, three or four Neighbours shall be called, who may, in case of suspicion, view the Corps, and accompany it to the Grave.

Church-Wardens.

I. *Anno 1662. Ch. 13.* Church-Wardens shall Present at the County Court, twice every Year, in *December* and *April*, such Misdemeanors of Swearing, Drunkenness, Fornication, &c. as by their own Knowledge, or Common Fame, have been committed during their being Church-Wardens.

II. *Eod. Ch. 15.* Church-Wardens shall keep the Church in Repair, provide Books and decent Ornaments, *viz.* a Great Bible, two Common Prayer Books, &c. collect the Minister's Dues, and honestly pay them, and give a true Account to the Vestry, when required.

Circuit.

I. *Anno 1662. Ch. 25.* The Governor and one of the Council, or two of the Council, commission'd by the Governor, shall go the Circuit yearly in *August*, and visit all the County Courts, and hear and determine all Causes then depending in them.

II. Provided, no Counsellor to go the Circuit in the River where he doth inhabit.

Cloth.

I. *Anno 1682. Ch. 11.* For encouragement of the Linen Manufacture, the Publick shall allow 24 *l.* of Tobacco for every Peck of Flax-seed, and 20 *l.* of Tobacco for every Peck of Hemp seed, to every Person that shall pro-

produce such Seeds of their own Growth or Manufacture. And whosoever shall work up his Flax and Hemp fit for the Spindle, and produce the same at the next County Court, he shall be allow'd for encouragement, 2 *l.* of Tobacco for every Pound so wrought. And whosoever shall make, or cause to be made, the said Flax or Hemp into Cloath, shall be allow'd for every Ell 6 *l.* of Tobacco, and for every Yard of Woollen Cloath 6 *l.* of Tobacco.

II. Every tithable Person being in this Country in the Year 1664, shall make or cause to be made, yearly, 2 *l.* of dress'd Flax or Hemp, under the Penalty of 50 *l.* of Tobacco for neglect.

III. Also an Encouragement shall be given by the Publick of 10 *l.* of Tobacco for every well wrought Hat, made of Wool or Fur, in this Country; and the like for every dozen pair of Woollen or Worsted Hose.

IV. This Act to be in force to the 10th of Nov. 1685, and no longer.

Cockquets.

I. *Anno* 1676. *Ch.* 6. The Rates for Cockquets shall be one Half-penny *per* Hogshead for all Quantities under 20 Hogsheads, and 12 *d.* for every Cockquet for all Quantities in one Bill of Entry above 20.

II. Vessels built in this Colony, shall for the future pay only 2 *s.* 6 *d.* for Entry; as much for License to Trade; as much for Clearing; and as much for the Bond.

College, and School.

Anno 1662. *Ch.* 18. Land shall be Purchased, and convenient Housing Erected, with as much speed as may be, for a College and Free School.

Commissioners.

I. *Anno* 1662. *Ch.* 61. A Debt acknowledged by the Debtor, under his Hand and Seal, before two Commissioners (one *Quor.*) shall be in nature of a Judgment, being

ing attested by the Commissioners, and enter'd by the Clerk of the County Court upon Record : and Execution shall issue as upon a Judgment. But in case no Execution issue in a Year after, then a *Scire facias* to be first sued out.

II. *Anno 1670. Ch. 8.* A Commissioner's Warrant shall be of force to oblige every Constable within his own Precinct, to prosecute Hue and Cry, or to apprehend and convey Run-aways.

Compositions.

I. *Anno 1667. Ch. 2.* No Composition shall be made with any Person, for any Horses, Boats, Cattel, or other things plunder'd or taken from them in the late Rebellion, but in open Court, otherwise to be null and void.

II. In Suits to be brought for any Trespass in the late Rebellion, Proof shall be first made, upon Oath of their whole Loss or Claim, and what Goods have been recover'd, &c.

III. Whosoever shall renew the late Quarrels and Heart-burnings by Names and Terms of Distinction, viz. Rebel, and Traytor, and being thereof convict, shall forfeit 400 *l.* of Tobacco. The like Fine upon those who shall provoke any of the Loyal Party, by ill Language, &c.

Conveyances.

Anno 1662. Sess. 2. Ch. 9. Conveyances of any Estates in this Country made in *England*, or authentick Copies, shall be sent over to this Country the next Shipping, and here manifested in the General Court, and recorded in the Secretary's Office, or else to be lookt upon as fraudulent, and of no force against the Claim of any Creditor in this Country.

Corn.

I. *Anno 1662. Ch. 112.* Every Master of a Family shall for every richable person in his Family, plant or tend two Acres of Corn or Pulse, under the penalty of 500 *l.* of Tobacco for every Acre neglected.

II.

II. The Sowing of one Acre of *English* Wheat shall excuse the Planting of two Acres of *Indian*, or other Corn, as this Act enjoyns.

III. *Anno 1675. Ch. 3.* After the 5th of *April* next, no Corn or other Provision shall be Exported out of this Colony, under the penalty of 200 l. of Tobacco for every Barrel of Corn, and double the price for any other Provision. This Restraint to continue till the last day of *July* next, and no longer, unless the Governor think fit.

Courts, and Proceedings at Law.

I. *Anno 1662. Ch. 19.* The Courts held by the Governor and Council shall be call'd General Courts, three in the Year; the first to begin on the 20th of *March* (unless *Saturday* or *Sunday*, and then the *Monday* following, and last eighteen days, not accounting *Sundays*: the second to begin on the 20th of *September*, and last twelve days: the third to begin on the 20th of *November*, and last twelve days.

II. The Stile of the Court to be thus. *At a general Court held at James City the 20th day of — by his Majesty's Governour and Council, in the — Year of the Reign of our Sovereign Lord — by the Grace of God, &c. Present, &c.* Then Proclamation for Silence, and another for the Suitors to appear. Then the Cryer shall call the Plaintiff thus: *A. B. come forth, and prosecute thy Action against C. D. or else thou wilt be Nonsuit.* The Plaintiff putting in his Declaration, the Defendant shall be called thus; *C. D. come forth, and save thee and thy Bail, or else thou wilt forfeit thy Recognizance.*

III. *Ch. 20.* Warrants shall be issued by the Clerks of the General Courts; and the Clerk shall so proportion the number of Actions, that there may be 20 for each day: and till there be 20 Actions enter'd for the first day, no Warrant shall issue for the second. Warrants shall be served ten Days before the Return of the Writ.

IV. *Ch. 21.* Courts shall sit each day from 8 to 11 in the Morning, and from 1 to 3 in the Afternoon. Order shall, after they are drawn up, be read in open Court, in presence of Plaintiff and Defendant, if they will be present, that so Mistakes or Errors may be rectified, before they be enter'd of Record.

V. *Ch.*

V. *Ch.* 22. The Plaintiff's Declaration shall be filed in the Office at least 3 days before the Hearing.

VI. If the Plaintiff makes default in not appearing to prosecute, or not filing his Declaration as abovesaid, he shall pay to the Defendant, for a Non-suit, if dwelling within 50 Miles, 150 *l.* of Tobacco; if above 50, 350 *l.* of Tobacco. If the Defendant makes default in not appearing, Judgment shall pass against the Bail for the thing sued for; if no Bail, then against the Sheriff, with stay of Execution till next Court, &c.

VII. *Ch.* 23. References by *Advisare Volumus*, and Actions enter'd during the Court-time, shall be adjourn'd to the two last days of the Session.

VIII. *Ch.* 31. Four at least, of the most honest and judicious men in every Country (one *Quor.*) shall be empower'd by Commission from the Governour to act according to the Laws of *England* and this Country, as Justices of Peace. Who shall take the Oaths of Allegiance, and Supremacy, and of a Justice of Peace.

IX. The Courts of the said Justices shall be called County Courts, and shall be kept precisely upon these days, in the several Counties; (*viz.*)

Henrico, the 1. Day.

Charles City, the 3.

James City, the 6.

Isle of Wight, the 9.

Nanzemond, the 12.

Lower Norfolk, the 15.

Elizabeth City, the 18.

Warwick County, the 21.

York County, the 24.

Northampton, the 28. Day:

New Kent, the 28.

Gloucester, the 16.

Lancaster, —

Rappahanoeh, —

Surrey, —

Northumberland, —

Westmorland, —

All Justices of the said Courts shall duly attend, or forfeit for Absence, without good Cause shewn, 300 *l.* of Tobacco.

X. *Ch.* 32. No Sheriff shall make any Arrest, unless the Action be first enter'd under the Penalty of 500 *l.* of Tobacco.

XI. *Ch.* 33. As the Plaintiff both in General and County Courts files his Declaration, so the Defendant shall put in his Answer in Writing; and the Judgment, if for the Plaintiff, shall be endorsed on the back of the Declaration; if for the Defendant, on the Answer; and all the Evidence

Evidence in the Cause shall be carefully filed with them.

XII. *Ch. 34.* The Form of entring, the Stile, Proclamation, and calling Plaintiff and Defendant, shall be the same in the County Courts as in the General Courts, *mutatis mutand.*

XIII. *Ch. 35.* The Court shall not take cognizance of any Cause under the Value of 200 *l.* of Tobacco, or 20 *s.* Sterling. Matters under that value, any Justice may hear and determine. No Action for Words shall lie, but such only as (if true) might have brought the person to suffer Punishment by Law: otherwise the Plaintiff to be Non-sued.

XIV. *Ch. 36.* No private Courts shall be held, but all Business transacted in open Court, at the times and places by Law appointed. Provided, a Justice of *Quorum* may summon a particular Court for dispatch of Merchants affairs which cannot be deferred without much detriment.

XV. *Ch. 38.* No Order of Court or Proclamation shall be valid that is contradictory to an Act of Assembly.

XVI. *Anno 1662. Sess. 2. Ch. 4.* Upon a *Non est inventus* return'd, the Creditor's Oath shall be taken, and Judgment for what he swears due: and in like manner where Bail is taken, against the Bail.

XVII. *Anno 1664. Ch. 4.* All Writs returnable to the General Court shall be divided, 10 for the Forenoon, and 10 for the Afternoon. And if the Plaintiff fail to appear to prosecute at the time appointed, he shall be Nonsuit; if the Defendant fail, Judgment shall pass against him, &c.

XVIII. *Anno 1666. Ch. 3.* The General Court, formerly held on the 20th of *March*, shall for the future be held on the 15th of *April*.

XIX. *Anno 1669. Ch. 3.* The Course observed in General Courts for re-examining and signing Orders, shall be observed in the County Courts, under the penalty of 1000 *l.* of Tobacco.

XX. *Anno 1674. Ch. 3.* No County shall for the future pay or allow any Sums of Tobacco for paying and satisfying the Expences and Accommodation of the Justices at their County Courts.

XXI. *An. 1676. Ch. 17.* Courts of Judicature, which by reason of the late Rebellion have been shut up, and the course of Justice interrupted, shall from the Date of this Act be open'd and held according to the usual manner and Custom of the Country.

XXII. *Anno 1677. Ch. 12.* All Executions issuing upon Judgments obtain'd in the Grand Assembly, shall be written by the Clerk of the Assembly, and signed only by the Governour.

XXIII. *Anno 1679. Ch. 3.* Two Men shall be chosen out of every Parish, and being returned by the Church-Wardens, shall sit in the several County Courts, and there have equal Votes with the several Justices for the making of By-Laws. And all By-Laws so made shall bind the Inhabitants of those Counties. Also one Member may be Elected for every Chapel of Ease.

XXIV. *Anno 1682. Ch. 5.* Writs of *Dedimus Potestatem*, to examine Witnesses in any Cause depending in the General Court, shall and may be issued and signed by any one of the Council.

XXV. All Writs of Execution, and Writs of Attachment awarded in the said Court, shall be issued forth of the Secretary's Office, and signed by the Clerk there attending, without sending to the Governor for his Sign, as hath been formerly used.

Crown.

I. *Anno 1662. Ch. 125.* To steal, or unlawfully to kill any Hog that is not his own, upon sufficient proof the Offender shall pay to the Owner 1000 *l.* of Tobacco, and as much to the Informer: And in case of Inability, shall serve two Years, one to the Owner, and one to the Informer.

II. He that brings home a Hog, or Hogs, without their Ears, shall be adjudged a Hog-stealer. The Receiver shall be accounted an Actor in the Trespass.

III. *Anno 1665. Ch. 5.* Every particular Offender in Stealing may be singly prosecuted, and have Judgment against him for the whole Fine.

IV. Where a Freeman is punishable by Fine, a Servant shall receive corporal Punishment; *viz.* for every 500 *l.* of Tobacco 20 Lashes, and so proportionable, unless the Master, or other, will redeem them by making payment.

V. *Anno 1662. Sess. 2. Ch. 13.* Criminals, having Estate sufficient, the Charge of his Prosecution shall be paid out of the Delinquent's Estate, otherwise by the Publick and County.

VI. *Anno* 1679. *Ch.* 2. The first offence of Hog-stealing shall be punish'd according to the former Law ; upon a second Conviction the Offender shall stand two hours in the Pillory, and lose his Ears ; and for the third Offence he shall be tryed by the Laws of *England*, as in case of Felony.

D.

Debts, vide Foreign-Debts.

I. *Anno* 1664. *Ch.* 1. A Priority of Payment shall be given for Debts contracted in this Country, if claimed within 12 Months ; before which time, no foreign Debts shall be pleadable, unless there be Effects remaining after the Country Debts are paid.

II. Yet a just Creditor venturing his Goods hither, and entering the same in any Court of Record within 2 Months after Arrival, shall have equal pleading with the Inhabitants of the Country.

Dedimus Potestatem.

Anno 1662. *Ch.* 29. In a Cause depending in the General Court, the Governor ; if in the County Court, any one of the Council, may grant a *Dedimus Potestatem* to examine Witnesses in the Counties where they dwell, directed to three or more indifferent persons, who are empowered to Subpœna the Witnesses, and fine them for not appearing ; and after execution of the said Commission to return the same, and the Examinations, to the Court from whence it came.

Deserted Lands.

Anno 1662. *Ch.* 69. No Patent shall hereafter pass upon pretence that the Land is deserted for want of Plant-

ing within three Years, unless proof be made before the Governor and Council, and an Order obtain'd for patenting thereof, &c.

E.

Execution.

AN. 1663. Ch. 11. Any person in Execution for Debt, and making Oath that he hath not any specifical Tobacco or Money to answer the Debt, shall render an Inventory of his whole Estate upon Oath to his Creditor, who shall have liberty to choose any of the Estate so tender'd for Satisfaction of his Debt; which being appraised by four indifferent persons, shall be by the Sheriff deliver'd to the Creditor, and the Debtor acquitted.

F.

Fees.

I. *Anno 1662. Ch. 137.* Clerks Fees may be pleadable any time within 3 years.

II. The several Fees of the Secretary, the Clerks of the County Courts, and General Assembly, and of the Sheriffs, ascertain'd in Tobacco. For which see the Act at large. And by the Act 1671. *Ch. 6.* the Sheriff's Fee for an Arrest shall be 10 l. of Tobacco, for the Bond 5 l. of Tobacco, and for the Commitment nothing.

III. *Anno 1679. Ch. 6.* No Collector shall take more for Entring and Clearing of any Ship or Vessel under 20 Tuns, than 15 s. and if above 20 Tuns, 30 s. which shall be in full of all his Fees, for Entring, Clearing, License to Trade, and Bond.

IV.

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IV. *Anno 1680. Ch. 16.* Certain additional Fees allow'd to County Court Clerks, in Tobacco; for which see the Act at large.

V. If any such Clerk shall exact and take more than allow'd, he shall forfeit ten times the value of what he so exacts.

Feme-Covert.

Anno 1674. Ch. 5. Sales that have been, or shall be, made by Husband and Wife of the Wife's Land, by Conveyance, acknowledged in the General Court, the Wife being first privately examined by the Court whether she doth it freely, shall be good and effectual, as if it had been done by Fine and Recovery.

Fences.

Anno 1662. Ch. 77. Every Planter shall make a sufficient Fence about his Ground at least four foot and a half high, or suffer the Damage of Cattel trespassing, without injuring such Cattel, &c.

Fines.

Anno 1662. Ch. 40. Courts shall only lay and collect Fines for Trespasses against the Publick; and the Clerk of the respective Court shall return the Estreatments to the Clerk of the Assembly at *James City*, who shall receive them, and present them at the next Assembly to the Burgesses, and they dispose of them for the Benefit of the respective Counties where they became due.

Fishing.

Anno 1680. Ch. 17. No person shall strike or kill any Fish within the Limits of the Counties of *Glocester, Middlesex, or Lancaster*, between the first day of *April* and the first of *November*, under the penalty of 500 *l.* of Tobacco and Cask; one half to the King, the other to the Informer.

Flax and Hemp.

An. 1673. Ch. 4. Every County Court shall at or before the 20th day of *October* 1675 procure one Quart of Flax Seed, and one Quart of Hemp Seed, for every tithable person within their County, and cause the same to be distributed among the Inhabitants, under the penalty of 5000 *l.* of Tobacco. And every tithable person within the said County shall the next Year after such Distribution make or cause to be made, one pound of drest Flax, and one pound of drest Hemp, under penalty of 60 *l.* of Tobacco for every pound neglected, &c.

Foreign Debts.

An. 1663. Ch. 10. No Debt whatsoever is pleadable against any Inhabitant of this Country, but for Goods imported into this Country.

Fornication.

An. 1682. Ch. 100. The Man and Woman committing Fornication shall pay each 500 *l.* of Tobacco, and to be bound to their good Behaviour. If either of them be a Servant, the Master shall pay the 500 *l.* of Tobacco, and the Servant shall serve half a Year longer than his time. If the Master shall refuse to pay, then the Servant to be whipt. If a Bastard be got and born, then the Woman to serve her Master two Years longer than her time, or pay him 2000 *l.* of Tobacco; and the reputed Father to give Security to keep the Child.

Forts.

I. Anno 1665. Ch. 9. 80000 *l.* of Tobacco shall be levied, besides the Sale of King *Potomack's* Land, to build a Fort where the Governor shall think fit.

II. The Governor shall have power to press Carpenters, and Workmen; the Carpenters to be allow'd 45 *l.* of Tobacco

tacco per Day. Pines may be fell'd in any Man's Land for that use, paying the Owner 6 d. per Tree.

III. Every person of the Trainbands in *James City* and *Surrey* Counties, shall contribute six Days Work towards perfecting the said Fort.

IV. *W. B.* appointed Surveyor of the whole Work, for which he is to have a Gratification of 10000 l. of Tobacco.

V. The Governor's Guards to have the Custody of the said Fort when built.

VI. *Anno 1672. Ch. 1.* The Forts on all Rivers shall be built with Brick, where the decay of the old ones shall require new, or Repairs.

VII. The Commissioners of each Association shall assess and levy so much Tobacco in their respective Counties as shall be needful for the repairing or new building their respective Forts.

VIII. Upon all Alarms or sudden Invasions the next adjacent Colonel or Commander to any Fort shall draw down his Forces for the Defence thereof, till farther Order of the superior Officers.

IX. The Rates of Smiths, Armourers, and such like, shall be ascertain'd, and care taken by the County, that they be duly paid: who are to lay aside all other Works to go about that of Arms.

X. It shall not be lawful for any Canoo, Boat or Sloop to go on board any Ship arriving in any part of *Virginia*, before the said Ship send on shore, under severe Penalties. This Clause to be of force only in the time of War.

XI. *Anno 1680. Ch. 4.* Every Garison and Fortification shall have 20 Soldiers besides the Commander: And the said Soldiers, their Horses, and Arms, shall be supply'd by the County, according as directed by an Act made *Anno 1679. (Vid. Militia.)*

XII. The Governor, if he sees cause, is requested to place in the said Garisons such a number of the King's Foot Soldiers as shall be thought needful, to be provided for at the Country's Charges.

XIII. *Anno 1682. Ch. 7.* The Forts Erected and Garison'd on the account of *Indian* Enemies, shall now, upon Peace concluded, be dismantled, and the Officers and Soldiers therein disbanded: and 20 Men with Horses and Accountments raised in each of these Counties, *Henrico*, *New Kent*, *Rappahannack*, and *Stafford*, one of which 20 to be Corporal, and Command in the Captain's Absence. (Whose Pay is ascertain'd in the said Act.)

XIV.

XIV. These Men shall be once every Month Muster'd and Disciplin'd ; and every Captain, or his Corporal, shall once in 14 days range and scout about the Frontiers of the County for which he serves, for the Discovery of the Enemy, under pain of Forfeiting 1000 l. of Tobacco and Cask.

XV. Upon Approach of any Enemy, or such Attempt discover'd, speedy Advice shall be given thereof to the chief Officers of the Militia, and to the Governor, &c. And the said Captain shall attend the Motion of the Enemy, and execute such Orders as shall be sent him by the Governor and Council.

XVI. This Act to continue for three years ; and the foresaid Act of 1680 (*sup. S. 11.*) shall be repealed for three Years, and after until the King's Pleasure be signified to the contrary.

Fraud.

I. *Anno* 1662. Ch. 73. None shall pass by Conveyance, or otherwise, any Lands, Goods, or Cattel, whereby his Creditors may be defrauded, unless such Conveyance or other Deed be acknowledged, and Registred at the General Court, or County Court, within six Months after such Alienation. No Alienation in other manner shall be valid in Law, nor bar any Creditor from seizing the same by Law.

II. No Conveyance acknowledged and recorded shall be good against Creditor or former Purchaser till four Months after ; in which time if no Fraud be shewn, the Sale shall stand good against all Claimants, except such as pretend to overthrow the Seller's Title ; in whom five Years possession shall bar.

III. This Act shall not extend to Debtors who in satisfaction of just Debts, make a Bill of Sale, and deliver the Goods *bona fide* into the possession of the Creditor.

Frontiers.

Anno 1664. Ch. 2. No person shall seat above the Plantations already seated, but with four able hands well armed, except such as have already patented Land in any remote

remote part, and they may have seven Years time to seat and strengthen themselves in each particular Plantation with the said number of four Men, or else desert their Land.

G.

Grants.

Anno 1662. Ch. 68. All persons claiming Land as due by Importation of Servants, shall prove their Title before the Governor and Council, or produce Certificates from the County Courts to the Secretary's Office before any Survey be made, or Grant admitted.

Grievances.

Anno 1680. Ch. 11. The Sheriff of each County shall before every Session of Assembly appoint a Time and Place for receiving all County Grievances ; which shall be signed by the parties giving the same, and attested by the County Clerk. And no private Propositions or particular Aggrievance shall be received into the Assembly, but what is signed.

H.

Hides.

I. *Anno 1662. Ch. 115.* For any person to Export out of this Country, Hides, Wool, or Iron, he shall for every such Offence pay, for every Hide 1000 *l.* of Tobacco, for every pound of Iron 10 *l.* of Tobacco, and for every

ry pound of Wool 50 *l.* of Tobacco : One half to the Informer, the other to the Publick.

II. *An. 1662. Sess. 2. Ch. 21.* Whosoever shall sell or dispose of any Hides contrary to the Intent of the former Act, shall be fined for every Hide so sold to be exported, 1000 *l.* of Tobacco.

III. *An. 1680. Ch. 12.* No Person shall export any untainted Hides or Deer-Skins, under Penalty for every Hide or Skin that shall be found on Board any Ship, &c. 100 *l.* of Tobacco and Cask, and the forfeiture of such Skins : One half to the King, the other to the Informer.

IV. *An. 1682. Ch. 4.* No Person whatsoever shall after 1 *Jan.* export or convey out of *Virginia*, any Iron, Wool, Wool-fells, Skins or Hides, or Leather tanned or untanned, of any Deer, Oxe, Steer, Bull, Cow, or Calf, nor lay the same aboard any Ship or Vessel, unless it shall appear by Oath of the Owner, to be convey'd directly to some Tann-house or Smiths in the Country to be there wrought up.

V. The said Goods laden aboard contrary to this Act shall be forfeited, and a Penalty shall be paid by the Offender, for every pound of Wool, Wool-fells 40 *l.* of Tobacco. For every Skin, or Hide Tann'd or Untann'd 150 *l.* of Tobacco ; for every pound of Iron 10 *l.* of Tobacco.

VI. Also the Owner of such Ship or Vessel, knowing such Offence, shall forfeit the same, with all the Apparel and Furniture. The Mariners, knowing such Offence, shall forfeit all their Goods and Chattels, and have Imprisonment for 6 Months. One Moity of which Forfeitures shall be to the King, the other to him that shall sue for the same.

VII. No Person to be impeached for any Offence aforesaid unless within 2 Years next after the Offence committed.

VIII. Any Person may Seize, and the Seizer shall have the Moity.

IX. Any Person selling any of the said Goods to any Merchant, not being an Inhabitant of this Country, and thereof lawfully convict, shall forfeit for every Hide, Skin, &c. 100 *l.* of Tobacco, for every pound of Wool 20 *l.* of Tobacco, and for every pound of Iron 5 *l.* of Tobacco so sold. One half to the King, the other to the Prosecutor.

X. Justices of the Peace upon notice given, and all Sheriffs, Constables, &c. shall be assisting in the Seizures. Any such Officer neglecting or refusing so to do, shall forfeit 3000 l. of Tobacco and Cask.

XI. No Person sued or impleaded for the Breach of this Act shall be sued, upon any Law heretofore made or provided for the same purpose.

XII. This Act to continue in force to the 10 of *Novem.* in the year 1685, and from thence to the end of the next Session of Assembly.

Highways.

I. *An. 1662. Ch. 79.* The Justices shall yearly in *October* Court appoint Surveyors of the Highways, who shall lay out convenient Ways to the Church, the Court, *James Town*, and from County to County, 40 foot broad, and Bridges where occasion.

II. The ways thus made shall be kept clear from Logs, and Bridges in good repair. To this purpose one or more out of every Family shall be sent, to help and assist the Surveyors, upon such days as they shall appoint: Under the Penalties of 500 l. of Tobacco.

III. To fell trees upon the Highway, or enclose any Part of the same, shall be presented as a Common Nuisance, and the Offender fined 1000 l. of Tobacco to the use of the Country.

IV. Where a Bridge divides two Counties, both Counties shall contribute to it.

V. *Anno 1667. Ch. 4.* Every Person having a Plantation, shall in the most convenient Place, make a Gate in the Fence for the Convenience of Passage both for Man and Horse to his house.

Holy Days and Fasting Days.

I. *Anno 1662. Ch. 10.* The 30 of *January*, being the day whereon King *Charles 1.* was bloudily massacred, shall be annually solemnized with fasting and Prayers.

II. *Ch. 11.* The 29th Day of *May*, being the Day of the Birth and happy Resurrection of King *Charles* the second shall be annually celebrated as an Holy Day.

III.

III. *Anno* 1663. *Ch.* 14. The 13th of *September*, being the Day when a Villainous Plot and Conspiracy would have brought inevitable Ruin upon this Country, had not God prevented it, shall be annually kept holy.

IV. *An.* 1668. *Ch.* 1. The 27 of *August* appointed for a Day of Humiliation, Fasting, and Prayer, to implore Gods mercy. If any Person be found upon that Day Gaming, Drinking, or Working (Works of necessity excepted) upon presentment by the Church-Wardens, and Proof, he shall be fined 100 *l.* of Tobacco, half to the Informer, and half to the Poor of the Parish.

I.

Impositions and Duties, vid. Taxes.

I. *Anno* 1662. *Ch.* 128. An Imposition of 2 *s.* laid upon every Hogthead of Tobacco that shall be exported; for the payment of which the Master of every Ship or Vessel coming to Trade in *Virginia* shall give Security, and all Freighters to be accountable to the said Master for the Tobacco by them Shipt.

II. An Account of the Freight shall be given to the Collector upon Oath, if he sees cause to require it.

III. Every Master concealing any part of his Freight shall forfeit 100 *l.* sterling, one Moiety to the Informer, the other to the Publick.

IV. Every Master passing Bills of Exchange for this Imposition, shall give sufficient Caution for the true and good payment of the same.

V. Ten *per Cent.* allowed to the Collectors for collecting this Imposition.

VI. *Ch.* 129. Every Planter in the Counties of *Northumberland*, and *Westmorland*, shall certify to the Collector, or his Deputy, the number of Hogtheads of Tobacco made by his Family, and to whom sold, and suffer none to be carried out of his House, till the Imposition has been paid for it, under the Penalty of 20 *s.* Fine for every Hogthead so carried away.

VII. This Act to be in force also in the Counties of Lower Norfolk, and Northampton. Repealed. *vid.* Repeal. *Seff.* 2.

VIII. *Ch.* 130. 3 Pence per Hogshead shall be paid for Fort Duties in *Potomack*, *Accomack*, and *Lyn Haven*, by the Planters loading Tobacco in those places.

IX. *Ch.* 131. All Merchants, Masters of Ships, &c. (except Inhabitants of this Country trading in Bottoms belonging to *Virginia* Owners) not bound by Charter parts to return and discharge in any part of the English Dominions in *Europe*, shall pay for every Hogshead they shall Load above 10 s. in Money, or Bills of Exchange with good Caution, &c.

X. *Ch.* 132. All Masters of Ships coming to *Point-Comfort* shall make a true Entry of the Burden of their Vessels, and number of Passengers, and pay for Castle Duties, either half a pound of Powder, and three pound of Leaden Shot (or 1 s. in money) per Tun, and 6 d. per Poll for every Person imported, not being a Mariner. If a false Entry be made he shall pay treble Duties.

Impress.

I. *An.* 1677. *Ch.* 8. No Person shall hereafter under pretence of any Power or War whatsoever, impress Timber for publick use or other purpose whatsoever, from any Mans Land, without first agreeing with the Owner for the Price, and giving sufficient Caution for the Payment upon Penalty of paying for each Timber Tree otherwise taken than aforesaid 5 l. sterling. If the Owner be unreasonable in his Demands, the Valuation shall be made by two good Men of the Neighbourhood upon Oath.

II. No Person whatsoever shall presume to impress any Sloop, Boat, Vessel, Horse, Cart, Arms, Provision, Goods or Merchandize whatsoever, without shewing a sufficient Warrant.

III. Such things as aforesaid being impressed by sufficient Warrant, shall be appraised by two of the ablest of the Neighbourhood, to the full Value; the Value of the Hire thereof by the Day, or Month; and Instruments or Writings shall be drawn expressing the same. Which shall

shall be paid, if it be for the use of the County, out of the County Levy; But if for the Publick use, satisfaction shall be made at the next Assembly.

IV. If any man be Imprest, his wages shall be between the 10 of *Sept.* and the 10 of *Mar.* 10 *l.* of Tobacco *per Day*, or 200 *l.* of Tobacco *per Month*, and between 10 *Mar.* and 10 *Sept.* 15 *l.* of Tobacco *per Day*, or 300 *l.* of Tobacco *per Month*.

V. The Rates for imprest Horses shall be to the Owner for every Horse 15 *l.* of Tobacco *per Day* for the first 20 Days, and 10 *l.* of Tobacco *per day* afterwards.

VI. If the Horse be killed in the Service it shall be in the Owners choice to receive either the Value of the Beast, or the Wages of his Hire.

Indians.

I. Anno 1662. Ch. 136. No English Man shall for any Consideration whatsoever purchase or buy any tract or parcel of Land now justly claim'd or actually possess'd by any *Indian*. And whosoever shall defraud or take from any of the *Indians*, their Goods, or injure their persons, shall make such satisfaction, and suffer such punishment, as if the same had been done to an Englishman.

II. English seated within 3 miles of *Indians*, shall help the *Indians* to fence in a Corn field sufficient for the said *Indians*, and after the said Fence once made, the *Indians* shall keep it in repair, or suffer the Damages of the English Cattel (if any happen) at their own loss.

III. Poor *Indians* applying themselves to two Justices of the County neighbouring to them, shall have Licence to Oyster, and Fish, and gather Wild-fruits, provided they come not armed.

IV. No Person whatsoever shall buy, take or receive any Commodity whatsoever from an *Indian*, without Licence, from the Governour.

V. If any difference in matters of Trade arise between an *Indian* and a Commissionated Trader, it shall be refer'd to the Governour or such as he shall appoint, to determine.

VI. No Person of what quality so ever shall presume to imprison an *Indian* King, without special Warrant from the Governour and two of the Council.

VII.

VII. Commissioners shall be appointed to go to the *Indian Towns* and proclaim this Act, and settle the Bounds betwixt them and us, which are to be viewed annually, and care taken that no Intrenchment be henceforth made upon the *Indians*.

VIII. No *Indians* shall come into the English Bounds without a Badge in their Company to shew what King they belong to, and if any Damage or Injuries be done by any of them to any Englishman, then the King or great Man of the Place the Badge denotes shall be answerable for it. If any Englishman shall be found to have taken away any of their Badges thereby to make the *Indians* guilty of breaking this Law, he shall be set in the Pillory two Hours, and pay a Fine of 5000 *l.* of Tobacco, or six Months imprisonment.

IX. All *Indian Kings* Tributary to the English, when they have the least notice of any March by any strange *Indians* near our *Quarters*, shall repair themselves, or send some one of their great Men, to acquaint the next of the Militia with as much as they know concerning the Nation and Numbers of the Enemy, and if they desire any Aid from us, a Party shall be sent forth presently by the Colonel of the Militia, for that purpose.

X. If any Englishman shall inveigle or entertain any Runaway *Indian*, he shall forfeit as much *per Day* for keeping him as by the Law is recoverable for any other Runaway.

XI. No *Indian* Servants shall be sold for Slaves, nor for any other time than English of the like Ages should serve.

XII. No Person of what Quality soever shall entertain any of the neighbouring *Indians*, without Licence from the Governour.

XIII. *Anno 1663. Ch. 4.* For an Englishman to entertain an *Indian* or *Indians* of any Nation, not having a Badge according to Law, he shall incur the same Penalty, as the Law imposeth upon the *Indian* for such illegal coming in.

XIV. *Anno 1665. Ch. 3.* The sale of Arms to the *Indians* shall be wholly prohibited, and whosoever shall sell or barter Powder, Shot, Guns, or Ammunition to any *Indian*, shall be fined 10000 *l.* of Tobacco, or suffer two Years Imprisonment for the first Offence, and for the second be prosecuted as a Felon.

XV.

XV. Ch. 8. Where any Englishman is murder'd by any *Indians*, the next *Indian Town* shall be answerable for it with their Lives and Liberties.

XVI. The Weromance, or chief Commander of the *Indians*, shall not be chosen by themselves; but the Governour shall appoint such persons in whose Fidelity he can best confide, to be Commander of the *Indian Towns*: and in case the *Indians* shall refuse their Obedience to, or murder such person, then that Nation of *Indians* shall be accounted Enemies and Rebels, and be proceeded against accordingly.

XVII. No person shall harbour, entertain, or employ any *Indian*, unless he gives sufficient Security to the County Court; and thereupon obtains the Governour's Licence, under the penalty of 5000 l. of Tobacco, or one Years Imprisonment.

XVIII. The Bounds of the *Indians* on the South-side of *James River*, shall be from the Southern Branches of the *Black Water*, and thence in a continued Line to the *Monakin Town*.

XIX. Anno 1670. Ch. 5. No *Indian*, or Negro, tho' baptized and enjoying their own Freedom, shall be capable to purchase any Christian; but yet not debarr'd from buying any of their own Nation.

XX. Anno 1671. Ch. 5. *Indians* may come into *Henrico County* about their lawful occasions; and a Law to the contrary repeal'd, provided they be no where entertain'd but by Licence from the Governour.

XXI. Anno 1674. Ch. 4. *Indian* proof, as well as other proof, shall for the future be good to convict other *Indians* of Hog-stealing. And such *Indians* as keep Hogs shall mark them with such Mark as shall be appointed by the adjacent Counties.

XXII Anno 1677. Ch. 3. All *Indians* in amity with us shall from henceforth have free liberty to come among us, and bring any Commodities, and to trade, sell, and truck for the same with the English, at such times and places as hereby exprest, and not elsewhere; viz. The publick Marts and Fairs for *James River*, to begin the 1st of April and 1st of Sept. yearly. The Marts for the South-side of *James River*, to be at the *Isle of Wight County Court House*, and begin the 10th of May and 10th of Novemb. yearly. The Mart for *York River* to be in *New Kent County*, to begin the 10th of April and 10th of

of Sept. yearly. The Mart for *Rappahannack* River, on the 20th of *April* and 20th of *Sept.* yearly. The Mart for *Potomack* River in *Stafford* County, on the 30th of *April* and 30th of *Sept.* The Mart in *Accomack* County, the 10th of *March* and 10th of *Sept.* The Mart in *Northampton* County, to begin on the 10th of *May* and 10th of *November.* If any of these Days fall on a Sunday, then the next day following. These Marts to last for 20 days, and no longer.

XXIII. He that trades with any *Indian* at any other time or place shall forfeit 5000 l. of Tobacco, half to the Informer, and half to the Publick.

XXIV. All things bought, sold, or trucked at such Marts shall be registred, and the Clerk may take for his Fee, one 20th part of all *Indian* Commodities there sold, &c.

XXV. The *Indians* living in *Northumberland*, and *Gloucester* Counties, shall have such Liberty and Rules of Trading as shall be set and allow'd by the County Courts there.

XXVI. No *Indians* meeting at any of the said Marts shall travel with, or carry Arms, except only the carrying home of such Arms as they shall purchase, and shall be registred in the Clerks Book.

XXVII. No Person shall be hindred from entertaining *Indians* in his House, that hath the Governours Licence so to do.

XXVIII. Anno 1680. Ch. 8. All Acts prohibiting trading with *Indians* repeal'd; And for the future there shall be a free and open Trade for all Persons at all Times and Places, with our friendly *Indians.* This Act to continue in force till the end of the next Sessions of Assembly.

XXIX. Ch. 14. The Act of 1665. Ch. 8. (Sup. Sess. 15.) reviewed and reinforced.

XXX. Anno 1682. Ch. 1. The Act of 1670. Ch. 12. Concerning Slaves repealed. All *Indian* Slaves, and others, whether Negroes, Moors, Mulattos, brought into this Country by Sea or Land, whose Parents and native Country were not Christian, and who at the first purchase were Infidels, tho after converted to the Christian Faith, shall notwithstanding continue Slaves still.

XXXI. Ch. 2. All *Indian* Women Servants are and shall be Tythable, and ought to pay Levies in like man-

ner as Negro Women brought into this Country, do and ought to pay.

Informers.

Anno. 1663, Ch. 9. Half of all Fines incurred by any Person offending against any penal Law, shall be confer'd on the Informer and Discoverer of any such Offences.

Interpreters.

I. An. 1662. Ch. 138. Thomas Flood, and Henry Newcomb made Interpreters; the last for the Norwood.

Juries.

I. Anno 1662. Ch. 37. Every Morning that any Court Sits, the Sheriff of the County shall impannel a Jury to attend the Court that Day to try such Causes as the Court shall refer to them. And when any Jury is sent out, an Officer sworn to that purpose shall keep them from Meat and Drink till agreed on their Verdict.

II. Ch. 38. Juries of Inquest shall be impannell'd and sworn in every County, to enquire of the Breach of all penal Laws and make Presentment thereof to the General County Courts, in *April* and *December* yearly: and the Justices to proceed thereupon.

III. An. 1677. Ch. 1. Justices of Peace of every County, neglecting once a Year before the last of *April*, to swear a Jury of Inquest, shall be fined 2000 *l.* of Tobacco. And every such Jury Man not appearing at the time appointed in the Law, or not making Inquest and Presentment, shall be fined for every such default 200 *l.* of Tobacco.

Justices.

An. 1666. Sess. 2. Ch. 19. No Justices of the Peace shall receive of any Person any Fee for any Cause or matter brought before him, or determined by him.

K.

King.

ANNO 1674. Ch. 1. The Grand Assembly having thought fit that an humble Address and Supplication be made to the King in the name of this his Majesty's most loyal Colony, that his Majesty would please to revoke certain Grants very much to the prejudice and oppression of this Colony, and confirm our Liberties, Rights and Properties formerly granted by his Majesty's Charter, and certain Gentlemen being desir'd to negotiate this and other Publick Affairs of this Country, in *England*; Levies are appointed for raising a Sum of Money throughout all the Country, to defray the necessary Charges: namely 50 *l.* of Tobacco from every Tythable Person within this Colony, &c. Also 70 *l.* of Tobacco in the General Court, and 50 *l.* in the County Court, *per Cause*, to be amerced in the name of Penalty upon every Person that shall be cast in any Suit, &c. Except Orphans.

L.

Law-Books.

ANNO 1666. Sess. 2. Ch. 22. All the Statute-Books, *Dalton's Justice of Peace*, and *Office of Sheriff*, and *Swinburn of Wills and Testaments*, shall be sent for by *Mr. Auditor*, and paid for out of the 2 *s.* *per Hogshead*, and the like Books sent for by some of the Commissioners for the use of the County-Courts, and paid for out of the County Levy.

Letters.

I. *An. 1662. Ch. 90.* All Letters Supercribed for the use of his Majesty, or the Publick, shall be immediately convey'd from Plantation to Plantation, and so to the Place and Person as directed, under the Penalty of 350 l. of Tobacco for every Default. If any Person be hereby put to extraordinary Charge the County Court shall Levy payment for the same.

Levies, vid. Taxes.

Limitation.

I. *An. 1662. Ch. 81.* No Bills or Bonds shall be in force or recoverable 5 years after the date of the same.

II. No Judgment shall be of Force 7 Years after the Grant thereof. But if the Debtor shall depart the Country and leave no Attorney to answer for him, or conceal himself, such time of Absence or Concealment, shall not be accounted any part of the Years.

III. *Anno 1672. Ch. 4.* Accounts shall not be pleadable after 3 Years by any Person living in this Country, nor after 5 Years by any Person that shall claim Accounts out of this Country. Except out of this Act Accounts against dead Mens Estates.

IV. *Ch. 10.* Account upon Notes, must be brought within 12 Months after the Debtor's decease.

V. *Anno 1677. Ch. 11.* The last Year, 1676 (being the Year of the Rebellion in *Virginia*, by reason of which all Judicial Proceedings were hindred) shall not be accounted as one Year included or meant within the Statute of Limitation for payment of Debts upon Bond, or Judgments. Or in the Patents for Sealing of Lands, but the said Year shall be past by.

M.

Manufactures, vid. Trade.

Marriage.

I. *Anno 1662. Ch. 12.* No Marriage shall be reputed Valid in Law but such as is made by the Minister according to the Laws of *England*. And no Minister shall marry any Person without Licence from the Governour or his Deputy, or thrice Publication of Bans according to the Rubrick in the Common-Prayer Book. The Minister that doth contrary to this Act shall be fined 10000 *l.* of Tobacco.

II. Any Marriage made by other than a Minister, shall be reputed null, their Children illegitimate, and the Parents punishable as for Fornication.

III. *Ch. 99.* No Minister shall either publish the Bans, or celebrate the Contract of Marriage between any Servants unless he hath a Certificate from both their Masters that it is with their Consent, under the Penalty of 10000 *l.* of Tobacco.

IV. And the Servants that procure themselves to be married without their Masters consent, shall each of them serve their respective Master a Year longer than their time; and if any Person being free shall marry with a Servant without the Masters Licence, he or she so marrying shall pay the Master 1500 *l.* of Tobacco or one years Service.

V. *Anno 1662. Ch. 17.* All Persons that take Licences for Marriage shall repair to the County Clerk, and there give Bond with Security that there is no lawful cause to obstruct the Marriage, whereupon the Clerk shall write the Licence, and Certify to the first in Commission for that County, that he hath taken Bond, who shall then sign the Licence, and direct it to the Minister.

VI. The Fees for Licences shall be, to the Governour 200 *l.* of Tobacco or 20 *s.* to the Clerk, 50 *l.* of Tobacco

co, to the Secretary 40 l. of Tobacco, to the Minister for marrying with Licence 200 l. of Tobacco or 20 s. But if by Bans 50 l. of Tobacco or 5 s.

VII. *An. 1670. Ch. 6.* The County Clerk where the Maid to be marryed, her Parents, or Guardian, dwell, and not the Clerk of any other County, shall grant the Certificates of Marriage, but no such Certificates shall be shall be granted without the Personal Consent of the Parent, or Guardian, under Penalty of Forfeiting his Place.

Marshes.

An. 1672. Ch. 9. No Person whatsoever shall take up any Marshes, Swamps, or sunken Lands, adjoyning to any Mans Land, but shall first give notice to the owner of the Land adjoyning, who shall have a Years time to resolve whether he will take up the same or no, and in case he shall at the Years end refuse to Survey and Patent the same, then the first Person who gave notice may Survey and Patent the said Marsh according to Law.

Militia.

I. *Anno 1666. Sess. 2. Ch. 23.* Every Person neglecting to appear at the Days of Exercising the Militia, shall be fined 100 l. of Tobacco, to be disposed for the use of the Regiment, unless the Party can shew a Reasonable cause of Absence.

II. *Anna 1679. Ch. 1.* For preventing the frequent incursions of the *Indians*, and for the future Security of the Country, four Houses of Stores or Garrisons, shall be built at the Heads of the four great Rivers, *viz. Potomack-River, Rappahannock-River, Mattapony, and James River*, to be built and paid for at the Publick charge.

III. Every 40 Tythables shall be assent and obliged to set forth one able Man and Horse completely armed, with two pound of Powder, and 10 pound of Buller, or high Swan-shot, and also provide and send up to the said Store-houses four Months Provision for such Man and Horse, and so to supply him.

IV. The Justices and Militia Officers in every County shall proportion and divide their Counties into forries, and

if any such 40 Tythables neglect or refuse to send in such Man, Horse, and Provisions as aforesaid, the said Justices and Officers shall impress the same, and levy the Charges upon the Delinquent Tythables.

V. The pay of each private Soldier, or Trooper shall be for his own Personal Service after the Rate of 200 *l.* of Tobacco and Cask *per* Month, and for a Horse, 80 *l.* of Tobacco and Cask *per* Month.

VI. Troopers or Horses dying or disabled in Service, or Armies lost, broken, or spoiled, and the 40 Tythables not supplying others, the foresaid Justices, &c. shall impress others, &c. unless lost in the Country's Service.

VII. A Captains pay shall be 1200 *l.* of Tobacco and Cask *per* Month, he finding himself Horse, Arms, and Provision. A Lieutenants pay 850 *l.* of Tobacco and Cask *per* Month; the Cornets 600 *l.* of Tobacco and Cask *per* Month; and the Chirurgeons 850 *l.* of Tobacco and Cask *per* Month. All these Officers finding themselves Horse, Arms, &c. and a Horse killed in Service shall be paid for by the Publick.

VIII. A Box of Medicines shall be bought or impress'd to the value of 5 *l.* sterling and paid for by the next Collector of the 2 *s.* *per* Hogthead, which shall be allow'd him in his Accounts.

IX. A Corporal, and a Trumpets pay shall be 50 *l.* of Tobacco over and above a private Soldiers pay.

X. The Soldiers raised in each respective County by this Act are to repair to the severall and respective Garrisons appointed them on or before the 20th Day of June next.

XI. Every Soldier is enjoyned to be assistant in building the Guard Houses, and fencing Pasture for their Horses, &c.

XII. A Boat and Oars sufficient to pass over 3 or 4 Horses at a time, shall be provided for the use of each Garrison, to be paid for by the Publick.

XIII. Four of the Neighbouring *Indians* to each Garrison shall be Commanded, or hired by the Commander in chief, to be always attending at the said Garrison.

XIV. Friendly *Indians*, that they may be better known, and distinguished from Enemies are to have notice, that if they meet any of our Soldiers in the Woods, or near our Plantations, that they do not fly, or hide themselves, but stand peaceably and discourse the English, and upon their

their near approach lay down their Arms, and no harm shall be offer'd them.

XV. Ten long Guns or Musquets, with one Barrel of Gun-powder, and Bullet proportionable, shall be kept in each Garrison, as a Reserve and Defence for the same.

XVI. The Inhabitants of the Eastern Shoar have the same Liberty to raise Garrisons and Soldiers in the same manner and form as is allow'd to the several Counties on the Western Shoar, as they find Occasion.

XVII. The like may be done by the several Associati-
ons on the South-side of *James-River*.

XVIII. What *Indian* Prisoners or Plunder shall be taken in War, shall be free purchase to the Soldier that takes the same; and if any difference happen among the Soldiers herein, the Commander in chief shall decide it. Soldiers disabled in Service shall have annual Pensions from the Publick.

Millers and Mills.

I. *Anno 1662. Ch. 121.* Millers shall provide Statute Weights and Scales, by which they are to receive in and deliver out all grain, and not receive for the grinding thereof, or changing it for Meal, above the Sixth part thereof for Toll, under the Penalty of 1000 *l.* of Tobacco.

II. *Anno 1666. Sess. 2. Ch. 16.* Master, Owner, or Lessee, refusing to grind according to Tourne, for the Toll set and appointed by Act, shall be fined 1000 *l.* of Tobacco, to be recovered by the Party Injured, by Acti-
on of Debt in the County Court.

III. 1667. *Ch. 3.* Where any Person is minded to erect a Mill or Mills, for Publick Good, and is not permitted by the perverseness of his Neighbour, two Commissioners appointed by the County-Court, may view the Place, and value the Land, and put the Builder in Possession of it, he paying what the Land is valued at; not taking away any Housing or Orchards. The like Liberty shall be granted for 2 Acres of Land, and no more, for erect-
ing Churches or Court Houses.

IV. *Anno 1671. Ch. 1.* No Miller shall take for grinding of *English* Grain, more than an 8th part, and for *Indian* Corn no more than a 6th part under the Pen-
alty appointed by the Act of 1666.

Millers.

Ministers.

I. *Anno 1662. Ch. 3.* Glebe shall be laid out in every Parish, and a Convenient House built for the Minister, and such Provision made for his Maintenance in the valuable and Current Commodities of this Country, as may be really worth 80 *l. per An.* besides his Perquisites and Glebe. *viz.* if in Tobacco, at 12 *s. per Hundred*, in Corn 10 *s. per Barrel*, if in Bills of Exchange, Security for the certain Payment, and in case of Protest he shall recover 50 *per Cent.* Damages.

II. *Ch. 4.* No Minister shall be admitted to Officiate in this Country unless he produce to the Governor a Testimonial that he hath received Ordination from some Bishop in *England*, and shall subscribe to be conformable to the Constitutions of the *Ch. of England*, upon which the Governor shall induct the said Minister into any Parish to which he shall be presented. Any that shall presume to Preach, not being thus qualified shall be suspended, and in case of obstinacy compell'd to depart the Country.

III. *Ch. 5.* Every Parish not having a Minister to officiate every Sunday, shall have a Grave and Sober Person to read Divine Service every intervening Sunday at the Parish Church, when the Minister Preacheth at any other Place.

IV. *Ch. 8.* The Minister of every Parish, shall preach constantly, *viz.* one Sunday in a Month at each Chapel of ease in his Parish, if any, and the other at his Parish Church. And administer the Sacrament at least twice a Year.

V. *Ch. 16.* The Minister or Reader of every Parish, shall truly register all Births, Burials, and Marriages within his Parish in a Book provided by the Vestry for that purpose. And every person concern'd who neglects to give notice of the Birth, &c. Shall be fined 100 *l.* of Tobacco. The Ministers Fee for such Entry shall be 3. *l.* of Tobacco. And if he neglect Entring he shall be fined 500 *l.* of Tobacco.

Money.

Money.

I. *An. 1662. Ch. 116.* No false Money shall pass Currant in this Country, but pieces of eight that are good and Silver shall pass Currant for 5 s.

II. None shall export Money out of this Country, above the Sum of 40 Shillings, under the Penalty of forfeiting Double.

Mulattos.

An. 1662. Sess. 2. Ch. 12. Children got by an Englishman upon a Negro Woman, shall be Slaves or Free according to the Condition of the Mother. If any Christian commits Fornication with a Negro Man or Woman, he or she so offending shall pay double the Fine imposed on Fornication.

N.

Naturalization.

I. *Anno 1680. Ch. 2.* The Governour or Commander in chief of this Colony, and his Successors, may by a Publick Instrument under the Broad Seal thereof, declare any Aliens or Foreigners already settled or Inhabitants, here, or such as shall inhabit here, having taken the Oath of Allegiance, to be to all intents and purposes naturalized. And such Persons shall have and enjoy to them and their Heirs the same Immunities and Rights as the natural Born Subjects of this Colony.

II. For which Instrument of Naturalization, the Governour shall receive 40 s. and his Clerk for writing it, 10 s. and no more.

III.

III. All Sales heretofore made by Aliens of any Lands or Tenements in this Colony, to the present Inhabitants, are secured and confirmed to them.

IV. Nothing in this Act shall privilege any Foreigner to do or execute any thing, which by the Acts made in England concerning his Majestys Plantations, he is disabled to do.

Negroes.

I. *Anno 1668. Ch. 7.* Negro Women, though set free, ought not in all respects to enjoy the full immunities of the English, and are therefore still lyable to the Payment of Taxes.

II. *Anno 1671. Ch. 4.* County Courts are empower'd either to cause the Negroes belonging to Orphans to be duly apprizd and sold at an Ourcry, or preserved in Kind, as they shall find most expedient for the advantage and improvement of the Orphans Estate and Interest.

III. *An. 1680. Ch. 7.* All Negro Children imported or to be imported into this Colony, shall be, within three Months after their arrival, brought to the County Court, where their Ages shall be judged and recorded, and such Negro, or other, Slave, shall not be accounted Tythable till he attains the Age of 12 Years.

IV. No Christian Servants imported shall be Tythable before they attain to the Age of 14 Years.

V. *Ch. 10.* It shall not be lawful for any Negro, or other Slave, to carry, or arm himself with any Club, Staff, Gun, Sword, or Weapon of Defence or Offence, nor to go from off his Masters Ground without a Certificate from Master, Mistress, or Overseer, under the Penalty of 20 Lashes by the next Constable.

VI. If any Negro or other Slave shall lift up his hand in Opposition against any Christian, upon due Proof by Oath of the Party, he shall have 30 Lashes, on the bare Back well laid on.

VII. If any Negro, &c. shall hide himself from his Masters Service, committing Injuries, and shall resist any Person or Persons that come by lawful Authority to apprehend him, it shall be lawful for such Person or Persons to kill the said Negro, or Slave.

VIII. This Law shall be every six Months published in the County Courts, and Parish Churches.

IX.

IX. *Anno 1682. Ch. 3.* A true Copy of the last mention'd Act shall be enter'd in the Register Book of every Parish in this Country, and the Minister shall yearly in *March* and *September*, read it and this present Act, on a Sunday in time of Divine Service, under the Penalty of 600 *l.* of Tobacco.

X. No Master or Overseer shall suffer any Negro or other Slave, (without leave of his Master) to remain or be upon his Plantation above the space of 4 Hours at any one time, upon pain of forfeiting 200 *l.* of Tobacco in Cask.

News.

Anno 1662. Ch. 91. Who ever shall forge or divulge any false News and Reports tending to the Trouble of the Country, he shall, by the next Justice of the Peace, be bound over to the next County Court, where if he produce not his Author, he shall be fined 2000 *l.* of Tobacco and give Bond for his Behaviour, if the Court think fit.

O.

Ordinary-Keepers and Tipling Houses.

I. *An. 1662. Ch. 97.* None shall sell by retail, any Wine, Beer, or other strong drink, by any measures but English seal'd Measures of Pints, Quarts, Pottles, and Gallons, and every Ordinary-keeper shall provide such Measures to sell by in his House, or be put down, and fined 5000 *l.* of Tobacco to the use of the publick.

II. None shall retail drink but such as shall obtain a Licence, and give Bond according to the Laws of *England*, and sell at the Rates set by the Commissioners, and pay annually to the Governour 350 *l.* of Tobacco and Cask for his Licence.

III. *Anno 1668. Ch. 9.* The Commissioners of each County Court shall take care to suppress the exorbitant Numbers of Ordnaries and Tipling Houses in their respective Counties, and not permit more than one or two, near the Court House, unless in publick Places and great Roads, where necessary for the Accommodation of Travellers.

IV. All Persons keeping Tipling Houses without Licence, shall be fined 2000 *l.* of Tobacco, half to the County and half to the Informer.

V. *Anno 1676. Ch. 10.* There shall not be admitted, or licenced, above 2 Ordnaries in any one County at one time, except in that County where the General Court shall be held.

VI. None shall be licenced to keep Ordnaries but such as shall enter into sufficient Bond to provide for Travellers good Dyet, Lodging, and Horse-mear, and will sell their Provisions and Liquors according to the Rates and Prizes set down and allow'd by Law. The price of Lodging shall be 3 *l.* of Tobacco for one Night, for Dyet where the General Court of Assembly is held, 12 *l.* of Tobacco each Meal for the Master, and 8 *l.* for the Servant; for Horse Grass 6 *l.* of Tobacco *per* Night and Day, Stabling 8 *l.* of Tobacco *per* Night and Day, &c. Ordinary-Keepers shall secure all Horses committed to their Charge, at their Peril.

VII. Justices shall meet twice a Year, in *May* and *November* and set the Rates of all Liquors. And it shall be penal both to the Seller and Buyer, to receive or pay more than the allow'd Prizes.

Orphans.

I. *Anno 1662. Ch. 66.* If a Will be so made that no Person will undertake the managing the Estate or Education of the Orphans according to the Tenor of it, then the Estate shall be managed as follows.

II. The Orphan shall be educated and provided for out of the Interest and Income of the Estate and Stock, if it will bear it, otherwise such Orphan shall be bound Apprentice to some handicraft Trade till 21 Years of Age, unless some Kinsman will maintain him for the Interest of his Estate without diminution of the Principal, which
whether

whether great or small is always to be delivered to the Orphan when at Age.

III. All Cattle, Horses, and Sheep, shall be return'd in kind by the Guardian, according to the Age and number when he received them.

IV. All Plate and Money shall be preserved and delivered in kind according to the Weight and Quantiry. But other Householdstuff and Lumber shall be appriz'd in Money, and the value thereof paid by the Guardian to the Orphan when he comes to Age, in the Country Commodities at the price currant.

V. The Court is to take sufficient Security for Orphans Estates, and enquire yearly of the Security, and if they see cause, to have it changed, called in, &c. Also to enquire how the Orphans are maintained, and whether educated according to their Estates; and if they see occasion, to remove the Orphans to other Guardians. So for those that are bound Apprentices. Guardians shall be allow'd for collecting the Orphans Debts, no more than 10 *per Cent.* the usual allowance of Merchants to their Factors.

VI. Apprizers may be allow'd 30 *l.* of Tobacco *per* Day (if they will take it) and no more. No allowance to be made of Excessive Funeral Expences, which is to be proportion'd according to the Estate and Quality of the Person.

VII. *Ch. 67.* County Courts shall take care that the Lands in their County belonging to Orphans, be nor sold, or taken up as deserted Land, during the Minority of the Orphan, nor that the Guardians let or farm out such Land for any longer term than till the Orphan be of Age, and special Care be had that the Tenant improves the Plantation, and commits no Wast of Timber, &c.

VIII. *Anno 1672. Ch. 2.* Where the County Courts cannot find Persons that will take Orphans Estates according to the foresaid Act of 1662. *Ch. 66.* the said Courts may dispose of such Estates according to the best of their Judgment, and the Orphans advantage.

IX. *Anno 1679. Ch. 7.* Before any Administration be granted, good Security shall be taken for the Parties due Administration according to Law, and all Justices sitting in Court when Administration is sued for and granted, and neglecting to make Order for such Security, shall for such neglect be lyable to make good such Estate in case the

the same be imbezelled. And all Justices are required before they sign Letters of Administration, to see a Certificate from the Clerk that Security is given, and enter'd upon record, that so all Orphans may be secured in their Estates, and the Justices safe.

P.

Pardon.

I. *ANNO* 1680. *Ch. 1.* All Treasons, Misprision of Treasons, Murders, Felonies, Crimes, and Misdemeanors, committed, counselled or done by any Persons whatsoever, on or before the 16 of *Jan.* 1676. other than the Persons excepted, by virtue or Colour of any Power, Authority, Commission, or Instructions from Sir *Will. Berkeley* late Governour of *Virginia*, or of or from any person deriving or pretending to derive, mediately or immediately, any Commission or Authority from the Grand Assembly in *Virginia* held in *June* 1676. or of or from *Nathanael Bacon*, deceased, assuming to himself the Authority of, or reputed to be, Commander in chief of all the Forces in *Virginia* by Land and Sea, are pardoned, released, discharged, and put in utter Oblivion.

II. And all Persons (except as after excepted) their Heirs, Executors, &c. that were engaged in acting, abetting, &c. the said Rebellion, shall have and enjoy their Lands, Tenements, Goods, &c. forfeited to his Majesty for any the Crimes aforesaid, in the same manner and as freely as if they had not been forfeited, subject however to the payment of their just Debts.

III. Excepted out of this Act the foresaid *Nathanael Bacon Junior*, the Principal Contriver and maintainer of the said Rebellion, who having taken up Arms under pretence of an *Indian War*, assumed to himself the Title of General, and did afterwards chase away the then Governour, rob, kill and destroy several of his Majesties Loyal Subjects, till the said *Bacon* met with an infamous and

and exemplary Death, which said *Bacon* is hereby attained of High-Treason, and all his Estate Real and Personal of which he was seized 5 June 1676, or at any time after shall be forfeited to the King, &c.

IV. Excepted also, *Giles Bland, Anthony Arnold, Richard Turner, Richard Pomfrey, John Isles, Robert Stokes, John Whitson, and William Scarbrough*, all legally convicted, attainted and executed for their Treasons and Rebellions. Excepted also *Richard Lawrence* who fired *James City*, and is since fled.

V. If *Joseph Ingram, Gregory Walklate, Thomas Whaley, John Forth, and John Longolon*, shall at any time accept or exercise any Office or publick Employment in *Virginia*, they shall stand as if totally excepted out of this Act.

VI. No Account, Suit or Process, shall be required, or prosecuted for any wrong or Injury committed, between the 1 Day of *May*, and the 16 of *Jan.* 1676. for which no Judgment hath been actually obtained before the 25 of *April* 1679. But goods taken away wrongfully between the abovesaid times may be sued for and recovered by lawful means.

VII. Christian Servants deserting their Masters and active in the said Rebellion, shall suffer no further Punishment, than that the time occurring between the 1 of *May* and 16 of *Jan.* shall be accounted no part of their Service.

VIII. No Proceedings in Law or Equity, had, made or done before the passing of this Act, shall be avoided by reason that the same was had, made, or done, by or before any Person not having legal Authority.

IX. Whosoever shall, after the passing of this Act, by writing, speaking, or otherwise, defame the Governour, or Commander in Chief of this Colony, he shall upon conviction, be imprisoned for one year without Bail or Mainprize, and incur a fine not exceeding 500 l. to the King. And whosoever in like manner defames any of the Kings Councillors, Judges, or Principal Officers, he shall suffer 3 Months Imprisonment, and incur a forfeiture not exceeding 100 l.

Passed.

Passes.

I. Anno 1662. Ch. 127. No Master of any Ship, Vessel, &c. shall transport any Person out of this Colony, without a Pass under the Secreraries Hand, upon the Penalty of paying all such Debts as any such Person shall owe at his Departure, and 1000 l. of Tobacco to the Secretary.

II. All Persons before they have Passes shall set up their Names at the Monthly Court 10 Days at least before their Departure, or their Names publiht 2 Sundays in each Parish in the County, or otherwise they shall put in sufficient Security for payment of all Debts due from them to any Person in this Country:

Patents.

I. Anno 1677. Ch. 5. Where new Tracts of Land are added to former Patented Dividends, the Secretary may take as his due Fee, so many 80 pounds of Tobacco as their are several Tracts in such new Patent, but where several old Tracts of Land are drawn into one new Patent, and no new Lands not patented before, added, he shall not for his Fee, exceed 80 l. of Tobacco.

II. Ch. 9. All Patents shall for the future be drawn in the following Form and Words. *To all to whom, &c. I, &c. send, &c. Whereas his most sacred Majesty hath been graciously pleased by his Royal Letters Patents, under the Great Seal of England, bearing date at Westminster the 10 Day of October in the 28 Year of his Reign, among other things in his said Letters Patents contained, to continue and confirm the Ancient Privileges and Power of granting 50 Acres of Land for every Person imported into this his Majesties Colony of Virginia, now know ye that I the said, &c. do with the Consent of the Council of State, accordingly give and grant unto, &c.*

III. Anno 1666. Sess. 2. Ch. 21. Former Patents, tho' not Recorded, shall remain good and valid.

Pillories, &c.

Anno 1662. Ch. 39. The Court in every County shall cause to be set up near the Court house, a Pillory, a Pair of Stocks, a whipping Post, and a ducking Stool in such place as they shall think convenient; which not being set up within 6 Months after the date of this Act the said Court shall be fined 5000 l. of Tobacco.

Planting.

I. *Anno 1664. Ch. 3.* All Acts and Proclamations restraining planting the ensuing year, repealed.

II. *Anno 1666. Sess. 2. Ch. 20.* Building a House, and keeping a Stock one whole Year upon the Land, shall be accounted seating, and clearing, Planting and tending an Acre of Ground for one Year, shall be accounted planting, and after such planting or seating, and continuance to pay the Quit-Rents no land shall be adjudged to be deserted.

III. *Anno 1676. Ch. 15.* All Lands or Tracts of Land forsaken or uninhabited by reason of the Incursions of the Indians, and the late Troubles and Distractions among us, shall not lie desert by want of due seating and planting such Lands in less than 7 Years. And 7 Years time shall be allow'd from the date of this Act for the seating and planting such Lands as are already taken and patented in the frontier Counties of this Colony.

Possession.

I. *Anno 1662. Ch. 72.* Five years peaceable Possession and Enjoyment shall be a good Plea in Bar, for the Possessor of Land claimed, Proof whereof shall be a sufficient Confirmation to the Possessor.

II. This Limitation of 5 Years shall not bar Orphans, Femes Covert, Persons out of the Country, nor Persons of unsound Minds, in case they make their Claims within 5 Years after their impediment removed. Except Persons absent who are to come into this Country within two Years after their Title accrues, and after their arrival they have five Years.

Prisons.

Prisons.

I. *Anno 1662. Ch. 42.* A good strong Prison after the from of *Virginia* Houles shall be built, by the Court at the Charge of the County, in every County: upon penalty of being fined 5000 l. of Tobacco and being answerable for Escapes.

II. Every Person breaking Prison, shall be adjudged a Felon. And no Person under Execution for Debt, or in Prison for Felony shall have the benefit of the Rules. Such as have the Benefit of the Rules, shall lie in Prison every night at the peril of the Sheriff.

III. *Ch. 43.* Persons dwelling within the Rules of any Prison, being by order of Law committed to Prison, shall not be permitted to walk out of the Prison, or lodge in their own House. Upon proof whereof at the County Court, the Sheriff shall be order'd to pay the Debt, as in case of Escapes.

Privilege.

Anno 1662. Ch. 134. The Privilege of exemption from the payment of the Duties of 2 s. and 10 s. per Hogshead, is granted only to such *Virginia*-Owners and Adventurers in such Vessels as solely and wholly belong to Inhabitants of this Country, and not to such Persons as are only Partners of Vessels, whose other Partners dwell in other Countries.

Processions.

Anno 1673. Ch. 3. When difference shall happen to arise concerning the Bounds of Orphans Lands, and cannot otherwise be determined, (by reason the Act of Processions has not been duly executed) the Orphans Lands shall be laid forth by two able Surveyors in the presence of the Neighbourhood, and two Men appointed by the County Court on the Orphans behalf, the Charges of the Survey to be born one half by the Orphan, the other by the Owner of the adjacent Land, whose Bounds are also thereby ascertain'd.

Publick-Notary.

Anno 1662. Ch. 135. Henry Randolph Clerk of the Assembly shall be sworn a Publick-Notary for this Country, to whose attestation at home and abroad we desire all Credence may be given.

Q.

Quakers.

I. Anno 1663. Ch. 1. If any Quakers or other Separatists whatsoever in this Colony, assemble themselves together to the number of 5 or more, of the Age of 16 Years or upwards, under the pretence of joyn-ing in a Religious Worship not authorized in *England* or this Country, the parties so offending being thereof lawfully convict by Verdict, Confessions or notorious Evidence of the Fact, shall for the first Offence forfeit and pay 200 l. of Tobacco; for the second Offence, 500 l. of Tobacco, to be levy'd by Warrant from any one Justice of Peace, upon the Goods of the Party convicted, but if he be unable, then upon the Goods of any other of the Separatists or Quakers, then present. And for the third Offence the Offender, being convict as aforesaid, shall be banisht the Colony of *Virginia*.

II. Every Master of a Ship or Vessel that shall bring in any Quakers to reside here, after the 1 of *July* next, shall be fined 5000 l. of Tobacco, to be levy'd by distress and sale of his goods, and enjoyn'd to carry him, her, or them out of the Country again.

III. Any Person inhabiting this Country, and entertaining any Quaker in or near his House to Preach or Teach, shall for every time of such entertainment be fined 5000 l. of Tobacco.

IV. If any Justice of Peace or other Officer neglect their Duty in prosecuting this Act, or connive at any Breacher

Breaches thereof, he shall upon conviction, be fined 2000 l. of Tobacco to be levied by Distress, &c.

V. All Justices of Peace in their several Counties shall enquire, hear, and determine the foresaid offences, and cause the said fines to be Levied.

VI. The said Fines shall be, the 200 l. and 500 l. of Tobacco for the first and second Meetings, half to the Informer, and half to the Parish; and the 5000 l. of Tobacco imposed for importing, half to the Informer, and half to the Parishes of that County where the Person or Persons arrive; the 5000 l. of Tobacco on the Inhabitant entertaining, half to the Informer, and half to the Parishes of the County where he lives, for Pious uses; The Charge of apprehending to be first defray'd. The Fines of the Magistrates neglecting, &c. in like manner with the last.

VII. Provided, if a Quaker or Separatist, after Conviction, give Security, not to meet in any such unlawful Assemblies for the future, he shall be discharged from the foresaid Penalties.

Quit-Rents.

I. Anno 1662. Ch. 52. Sheriffs shall collect and receive all such Quit-Rents, as the Treasurer or his Deputy shall order him to receive in his County. Which said Quit-Rents shall be paid in Specie of Tobacco or Money.

II. Ch. 74. Such Persons as cannot procure Money, shall pay their Quit-Rents in Tobacco at two Pence per Pound.

III. The Country paying the Rents double, the two next Years, shall be acquitted from all Arrears.

R.

Removals.

I. *Anno 1662. Ch. 62.* No Person whatsoever shall remove out of the Country where he dwells unless he set up his Name at the Door of his Parish Church or Chapel, expressing his intent of removing, three Sundays together, before his going; upon Certificate whereof from the Minister and Church-Wardens, he shall have a Licence to depart from the Clerk of the County Court.

II. Provided, that if the Party pay not off his due Debts before his Removal, he shall put in sufficient security before the Governour and Council to pay the same as they become due, &c.

III. If any such Person shall remove or transport his Cattle out of the County without notice given to four of the nearest Dwellers, he shall forfeit for every Beast so transported 1000 l. of Tobacco, half to the Publick, and half to the Informer.

IV. If any Merchant, Mariner, or other Person; shall transport any one out of this Country without Certificate he shall be liable to the payment of all the Debts and Engagements of the Party transported, due at the time of his Removal.

Repeal.

I. *Anno 1676. Ch. 4.* All the Acts, Orders and Proceedings made at James's City in June 1676, being obtain'd by Threats, force and violence, in a Rebellious manner by Nathaniel Bacon junior repeal'd and made void and null.

II. *Anno 1679. Ch. 5.* The Act of 1662. Ch. 129. (*Impositions, Sess. 6.*) repeal'd. And the Inhabitants on Potomack-River, and on the Eastern shore shall have equal Liberty with the rest of his Majesties Subjects in this Colony, to dispose, pay, and make delivery of their Tobacco, to their best advantage.

1679

Rivers.

I. *Anno 1680. Ch. 19.* The Justices in the Respective County Courts, shall annually in *June* or *July* Courts, order Surveyors to clear the Rivers of all Logs, Trees, Roots of Trees, and other Rubbish, that may any ways endanger any Sloop, Boat, or Vessel. Which said clearing shall be annually perform'd, under the Penalties set down in the Act of 1662. *Ch. 79. (Highways. Sess. 3.)*

II: To sell Trees into the Rivers or Creeks, and not clear the same; the Offender shall be fined 500 *l.* of Tobacco for the first Offence, and for the second 1000 *l.* of Tobacco for the use of the County.

Rum.

I. *Anno 1662. Ch. 124.* All Vessels, except such as belong wholly to the Inhabitants of this Country, bringing in them any Rum or Pavele Sugar, shall not unload the same but only at such places as are appointed for the vent of that Commodity, and shall there bring the same on Shoar, and enter the quantity; and pay for every Gallon of Rum 6 *d.* Custom, and for every Pound of Pavele Sugar, 1 *d.* before they sell or dispose thereof.

II. *Anno 1664. Ch. 8.* The Act of laying an Imposition on Rum, and Pavele Sugars, repealed.

Run-aways.

I. *Anno 1663. Ch. 8.* Pursuit after Run-away Servants shall be made at the charge of the Country. For effecting whereof any Justice of Peace may issue out his Warrant for pressing any dispatches to make pursuit. In case the Fugitives shall escape to any of the Dutch Plantations, Letters shall be writ to the respective Governours of those Plantations to make seizure of them, and return them by the next convenient Passage, who shall be paid the Charges of sending them back.

II. The Servant being restored to his Master, shall serve for the time of his absence, and charge disbursed.

In case the Master refuses to pay the Charge, the Servant shall be sold, or hired out for so long as may reimburse the Publick Disbursement: after which the Servant shall be return'd to his Master, &c.

III. *Anno 1666. Sess. 2. Ch. 11.* Whoever shall entertain a Run-away Servant, shall be fined and pay 60 *l.* of Tobacco for every Day and Night he shall so harbour him, to be recover'd by the Master by Action of Debt in any Court of Judicature. This Act to extend only to those Servants that serve by their first Indenture.

IV. *Anno 1668. Ch. 4.* Corporal Punishment moderately inflicted on a Run-away Servant, by Master or Magistrate, shall not deprive the Master of the Satisfaction allow'd him by Law, *viz.* the prolonging the time of Service.

V. *Anno 1670. Ch. 1.* A reward of 200 *l.* of Tobacco and no more shall be given to the Apprehender of a Run-away, if found above 10 Miles from his Masters House, and 100 *l.* of Tobacco if found above 5 Miles from home, to be paid by the Publick, for which the Servant (not being a Slave) shall after the expiration of his Service to his Master, serve any Person to whom he shall be assigned by the Assembly, the term of 4 Months for every 200 *l.* of Tobacco paid for him, the Assign giving Commission to repay the Tobacco to the Publick.

VI. Every Master that hath a Servant that hath run-away twice, shall keep his Hair close cut, and nor so doing, shall be fined 100 *l.* of Tobacco for every time the said Fugitive shall after the second time, be taken up.

VII. Every Constable to whose Hands the said Fugitive shall be first committed, shall, by virtue of this Act, whip him severely, and so deliver him to the next Constable towards his Masters House, who is to give him the like Correction, and so every Constable through whose Precincts he passes to do the like.

VIII. Every Constable receiving a Run-away shall give a Receipt to the Constable or Party he receives him from, that if by negligence such Run-away should escape, such negligence may be discover'd, and the Constable for such neglect pay 400 *l.* of Tobacco half to the Publick, half to the Informer.

IX. Every Master of such Servants, indebted to the publick, shall immediately after the time of his Service is expired, deliver him to the next Sheriff to be proceed-

ed with as the Law directs, unless such Servant can give security to pay the penalty laid on him by the Act, &c.

X. Anno 1672. Ch. 8. If any Negro, Mulatto, Indian Slave or Servant for life, run away, and shall be pursued by hue and cry, it shall be lawful for any Person endeavouring to take them, to kill or wound them, if they resist; provided such Negro, &c. be named and described in the hue and cry, and that the same be signed by the Master or Owner of the Run-away. And if it happen that such Negro, &c. die of such Wound received, the Master or Owner shall receive satisfaction from the Publick for his Negro, &c. so dying, and the party killing or wounding by virtue of such, &c. shall not be question'd for the same, he forthwith giving notice thereof.

XI. And all such Negroes shall be valued at 4500 l. of Tobacco and Cask a piece, *Indians* at 3000 l. of Tobacco and Cask.

XII. If any such Negro, &c. do not die of his Wound, but lie sick and disabled, then the Master shall also receive from the Publick a reasonable satisfaction for such Damage as he shall make appear to have sustain'd thereby.

XIII. The Neighbouring *Indians* are hereby enjoyn'd to seize all Run-aways whatsoever that come among them and bring them before some Justice of Peace, who shall give to the said *Indians* as a Recompence 20 Arms length of Rhoanoke and the said Justice to receive from the Publick 250 l. of Tobacco, and cause the Run-away to be convey'd to his Master.

XIV. This Act to be in force till the next Assembly, and no longer, unless continued.

S.

Salt-works.

A Anno 1666. Sess. 2. Ch. 7. The Saltwork erected at Accomack not answering expectation, Liberty is given for any Person to import and sell Salt to the County of Northampton, notwithstanding any Act of restraint, as freely as he might have done before.

Scolds and Ducking-stool.

Anno 1662. Sess. 2. Ch. 5. In Actions of Slander occasion'd by a Mans Wife, after Judgment past for Damages, the Woman shall be punished by ducking, and if the Slander be such as the Damages shall be adjudged at above 500 l. of Tobacco, then the Woman shall have a ducking for every 500 l. of Tobacco adjudged against the Husband, if he refuse to pay the Tobacco.

Seating.

I. An. 1662. Ch. 70. If any Man hath, by mistake, built or seated, upon another Mans Land, it being proved by a just survey to belong to another, The Charge of such Building, &c. shall by 12 Men upon their Oaths be valued, and the value paid by the owner of the Land to the first Seater that was at the Charge; if it amounts to more than the Owner is willing to disburse, then the said 12 Men shall value what the Land was worth before the seating thereof, which the seater shall accordingly pay to the true Owner.

II. No Consideration for Building, shall be allow'd to him who persists in Building after lawful warning given to desist.

Secret

Secretary's Office.

Anno 1664. Ch. 5. The Records in the Secretary's Office shall be examined and stated as they now are, and for the future no Person to view them, unless by publick order, but the Clerk of the Office, or whom else the Secretary shall appoint. The Clerks Fee for searching shall be 1 s. or 10 l. of Tobacco, besides paying for the Copy. And no more than half so much for searching in the County Court.

Servants.

I. Anno 1662. Ch. 98. All Servants hereafter coming into this Country without Indenture, shall serve 3 years if above 16 years of Age, and all under that Age shall serve till they be 24 Years old. (*vid. inf. Sess. 30.*)

II. Ch. 101. All Servants at the expiration of their time, shall enter their Freedom by their Masters Certificate, at the County Court, and take a Certificate thereof from the Clerk of the said Court, which shall be a sufficient Warrant for any Person to entertain him or them.

III. In case such Servant be hired a second time, his new Master shall take his Certificate and keep it, till his second Service be expired.

IV. Whosoever shall entertain any hired Servant, running away, without a Certificate as aforesaid, shall forfeit to the Master of such Servant 30 l. of Tobacco, for every Day and Night they shall harbour him.

V. In case the Servant forges a Certificate, or Steals the true one from his Master, he shall stand in the Pillory 2 Hours in open Court.

VI. If any comes free into the Country and Contracts a Service, and departs before the time agreed for be accomplished, he shall perform his Service, and also pay such Damages as shall arise by the Breach of his Contract.

VII. Ch. 102. Servants absenting themselves from their Masters Service, shall make satisfaction by serving after the time by Custom, or Indenture, is expired, double the time of service so neglected, or longer if the Court shall see fit so to adjudge.

VIII.

VIII. If an English Servant run away in Company of any Negroes who being Slaves, cannot make satisfaction by addition of time, the English after their own time of Service to their own Master shall be expired, shall serve the Masters of the said Negroes so long as the Negroes should have done if they had not been Slaves, &c.

IX. *Ch. 103.* Every Master shall provide for his Servants competent dyet, Cloathing and Lodging, and shall not exceed the Bounds of moderation in correcting them; And any Servant having just cause of Complaint, may complain to the next Commissioner, who finding just cause, shall give order for warning the Master to the next County Court, where the Servant may have Remedy for his grievance.

X. *Ch. 104.* The Servant that shall lay violent Hands on his or her Master, Mistress, or Overseer, and be convicted thereof before any Court in this Country, the same Court shall order such Servant to serve his or her Master, &c. one Year longer than the Expiration of his time.

XI. No Person whatsoever, for any offence committed, shall be adjudged to serve the Country as Colony Servants.

XII. *Ch. 105.* Whoever shall Buy, Sell, Trade, or Truck with any Servant for any Goods, without Licence or Consent of the Master, shall suffer one Months Imprisonment, give Bond for his Good Behaviour, and forfeit to the Servants Master, 4 times the value of the things so bought, sold, &c.

XIII. *Anno 1662, Sess. 2. Ch. 2.* All Servants bringing Goods into this Country with them, not being their own Wearing Apparel, or having them consigned to them during the time of their Service, shall have the property in such Goods, and by permission of their Masters dispose of the same to their own Advantage.

XIV. *Ch. 6.* A Woman Servant got with Child by her Master, shall, after her time by Indenture, or Custom, is expired, be, by the Church wardens of the Parish where she lived when brought to Bed of such Bastard, sold for 2 Years, and the Tobacco employ'd for the use of the Parish.

XV. *Ch. 8.* Where any Bastard Child is gotten by a Servant, the Parish shall take care to keep the Child during the time the reputed Father hath to serve by Indenture or Custom, and after the said reputed Father is free he shall make satisfaction to the Parish. XVI.

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XVI. *Ch. 11.* Every Master buying or bringing in a Servant without Indentures shall carry him to the Court within 4 Months after, when the best Judgment may be given of his Age, or else the Servant shall not serve any longer than those of 16 are to serve by Custom of the Country.

XVII. *Ch. 13.* All Women Servants who are commonly employ'd to work in the Ground, shall be reputed Tyrhable and Levy's paid for them accordingly.

XVIII. *Anno 1672. Ch. 5.* Every Servant who comes in presumable without Indenture, and so sold for the Custom, shall by his Master be brought before some Justice of Peace, and if upon demand the Servant saith that he hath an Indenture but cannot then produce it, the said Justice shall assign him one Months time, in which time if he fail to produce it, he shall be barr'd from his Claim, by reason of any pretended Indenture whatsoever.

XIX. *Anno 1676. Ch. 7.* No Masters shall make any Agreement or Bargain with their Servants before the time of their Service be expired, unless it be made in the presence and with the approbation of some Justice of the Peace of the County where the Parties reside, upon the penalty of forfeiting to such Servant all the time of Service that is due at the Bargain making, besides the avoiding of such Bargain.

XX. *Anno 1666. Sess. 2. Ch. 12.* Servants coming in without Indentures shall serve, only to the Age of 24, if 19 or under.

Service and Sacraments.

I. *Anno 1680. Ch. 13.* Whosoever shall in any Church or Chappel, disturb the Minister whilst he is exercising his Ministerial Function, by words, or other means whatsoever, or appear there in any unseemly, or undecent Gesture, any Justice, Sheriff, or other Officer then present shall put the Person so offending under restraint during the time of divine Service, and he shall also for the 1 Offence be fined 200 *l.* of Tobacco and Cask, and for every following Offence 300 *l.* of Tobacco and Cask, to be levied by the Sheriff upon any one Justices Warrant.

H.

II. A Justice of Peace refusing or neglecting to put this Law in severe Execution shall be fined 500 l. of Tobacco and Cask.

Sheriffs.

I. *Anno 1662. Ch. 44.* None shall be Sheriff of a County but one of the Commissioners of that County, and such Commissioners shall execute the Office successively, every one a Year and no longer, giving good security for due performance of the Trust, and taking the Oath.

II. No Under-Sheriff shall execute his Office in the same County longer than 1 Year.

III. The Governour shall have the free Choice of the Sheriffs of *James City*. And if he sees cause for his Majesties Service, he may pass by any Person in any other Commission, and give the Place to him in the Commission that he thinks most proper for the present Occasions.

IV. *Ch. 45.* Every Sheriff failing to make sufficient Return of the Writ, shall be amerced 1000 l. of Tobacco, half to the Plaintiff, and half to the County. Provided the Plaintiff prove the delivery of the Warrant to the Sheriff.

V. *Ch. 46.* Sheriff shall take sufficient Bail upon Arrest, which if he doth not, or otherwise be consenting to an Escape, he shall pay the Award of the Court himself, and also pay, if his consent to the Escape be proved, 1000 l. of Tobacco one half to the Publick, the other to the Party grieved.

VI. If Bail be taken, and the Party appear not, then Judgment shall be awarded against the Bail, and the Sheriff or Bail have an Attachment against the Estate of the Party arrested. If the Sheriff or Bail bring forth the Body at the next Court after, then they shall be acquitted of the Judgment past against them.

VII. *Ch. 47.* If a Sheriff return a *non est Inventus*, upon which an Attachment is grantable, he or his Officer shall declare upon Oath that he hath been at the Defendants House and left a Copy of the Writ; if he refuse to make such Oath, order shall pass against him according to Act for Non>Returns.

VIII. If the Return be proved and allow'd, after thrice summoning the Defendant by Proclamation, an Attachment

ment shall issue against his Estate, returnable the Court following, where if the Defendant appear not to replevin, Judgment shall pass for the Plaintiff, the Debt being proved.

XI. *Ch. 51.* A Sheriff receiving Tobacco of any Person indebted for his Levies, and also for Fees and other Debts, shall take care that all Debts due to the Publick be first paid. The Sheriff making default herein shall be fined 10000 l. of Tobacco, to the use of the Publick.

X. *Ch. 60.* Commissioners of every County shall be answerable to the Publick for all Levies laid upon that County, and for the Sheriffs performance of his Place. And therefore they are impower'd before his Admission into Office, to take Security of him for their own Indemnity in relation to his receiving and discharge of all Publick Duties committed to his Charge or Collection.

XI. Provided no Commissioner shall be lyable but such as were of the Commission when the Defect was made.

XII. *Anno 1662. Sess. 2. Ch. 1.* Every Sheriff that shall be proved, to have executed the Writ, and yet make a false Return, shall be fined 3000 l. of Tobacco, one half to the Publick and the other to the Party damaged or delay'd.

XIII. *Anno 1666. Sess. 2. Ch. 24.* All Sheriffs shall take sufficient Bail of all Persons arrested, with this Condition, to bring forth the Party arrested, or perform the award of the Court. (*The rest exactly the same with Anno 1662. Ch. 46. sup. Sess. 5.*)

XIV. *Anno 1676. Ch. 8.* The Act of *Anno 1662. Ch. 80.* (*vid. Tobacco, Sess. 1.*) shall extend to Sheriffs and other Collectors of the Publick and County Levies, &c. and all Publick County-Debtors may have the Benefit of the Act of *Anno 1666. Ch. 2.* (*Tobacco Sess. 6.*)

XV. If in Collecting any Publick or County-Debts, or other Fees, any Sheriff or Collector, shall seize or restrain more Tobaccos than is due, the Party seizing shall make immediate satisfaction, or allow the over-plus to be taken back out of the Hogshead so seized.

XVI. No Sheriff or other Collector shall seize any Hogshead of Tobacco before the time paid away and marked, if there be other Merchantable Tobaccos in the Plantation.

XVII. Justices holding Court shall appoint the Collectors for Publick and County Levies.

XVIII

XVIII. No Person whatsoever shall be at the same time a Justice of Peace, and Clerk of the County Court; or High Sheriff of the County, and County-Court Clerk. Yet the County-Court Clerk may depure the High Sheriff or Under Sheriff to enter such Actions as may be brought to either of them.

XIX. Any one of the Council of State may sit in any Court of *Virginia*, and have equal Vote with any Justice there.

XX. No Person not born in this Country shall bear any Office Civil or Military (unless commissioned by the King) until such Person hath been 3 Years resident in this Colony.

XXI. No Person convicted in *England* or elsewhere, shall ever be capable of bearing any Office Civil or Military in this Colony.

XXII. Any 2 Justices of the Quorum in their respective Counties may sign Probates and Letters of Administration, but Certificates thereof must be sent to the Secretary's Office.

XXIII. *Anno 1677. Ch. 4.* Whatsoever Sheriff, Collector, Receiver, shall be found to receive Tobaccos, upon concealed Tythables, and not give Account thereof to the next County Court, but convert, or endeavour to convert the same to his own use, he shall be fined, and pay the Penalties imposed in the former Act of Assembly for concealed Tythables.

Ships and Vessels.

I. *Anno 1662. Ch. 110.* Whosoever shall build a Vessel of any Burthen and fit her to Sea, in this Country, shall for every Tun Burthen the said Vessel shall contain, receive 50 *l.* of Tobacco out of the Publick Levy.

II. After the 1 of *Sept.* 1663, no Master of a Ship or Vessel, or other Trader, shall bring in any Salt into the County of *Northampton*, under penalty of Confiscation of such Ship and Goods; to the end, that *E. S.* who hath erected a Salt work in those Parts, may be encouraged in his Endeavours to promote the Good of the Country. (Repealed, *vid.* Salt-works.)

III. *Ch. 118.* The Commissioners of each County, if desired, shall order and give satisfaction to those who have
any

any Boat or Canoe privately taken and conceal'd from them, by causing the Party trespassing to pay to the owner 500 l. of Tobacco Penalty, and what Damage the Boat sustains.

IV. Ch. 125. Masters of Ships shall provide 4 Months Allowance of Victuals for Passengers at their setting forth from *England*, and give them sufficient Allowance of Dyet all the Voyage, and take care that poor Servants do not want bedding in the Voyage.

V. Ch. 133. All Masters of Ships arriving in *James River*, shall with the first fair Wind and Weather after their arrival bring up their Ships to *James City*, and there make Entry, take out Licence to trade, and perform such other things as the Laws of the Country enjoin them.

VI. Anno 1668. Ch. 2. Licence is granted to all Merchants and Masters of Ships and Vessels, to ride with their Ships in any part of that River they shall make choice of for the better dispatch of their Affairs, notwithstanding a former Act that enjoin'd them to ride within the command of some Fort.

Shooting off Guns.

Anno 1662. Ch. 119. For the better taking Alarmis upon the approach of *Indians*, the frequent shooting off Guns at Drinkings is prohibited. And whosoever shall shoot any Guns at Drinkings, or Marriages, (Burials excepted) he or they shall forfeit 200 l. of Tobacco to the Publick.

Silk.

I. Anno 1662. Ch. 109. Every Proprietor of Land within this Colony of *Virginia*, shall for every hundred Acres of Land he holds in Fee, plant upon the same 12 Mulberry Trees, at 12 Foot distance, and secure them by Fence and Weeding, and for every Tree that shall be wanting he shall forfeit to the Publick 20 l. of Tobacco.

II. This Act shall not extend to Orphans till 5 Years after their full Age. Nor to such Proprietors as are in Actual Possession.

III. For the Encouragement of all Persons that shall endeavour to make Silk, there shall be allowed to any one for every pound of wound Silk that he shall make 50 l. of Tobacco, to be raised in the Publick Levy, and paid in the County where he dwells.

IV. *Anno 1669. Ch. 6.* The former Encouragement of 50 l. of Tobacco for every pound of wound Silk, shall be allow'd as formerly out of the Publick.

Slaves.

I. *Anno 1669. Ch. 1.* If any Slave resist his Master or others by his Masters Order correcting him, and by the extremity of Correction should chance to die, it shall not be accounted Felony, but the Master and other Person appointed by him shall be acquitted from Molestation.

II. *Anno 1670. Ch. 12.* All Servants, not being Christians, imported into this Country by Shipping, shall be Slaves for their Life time, but such as come by Land shall serve, if Boys and Girls, till 30 Years of Age, if Men and Women, 12 Years and no longer.

Strays.

Anno 1662. Ch. 113. Every Person that shall take up and keep any Stray-Horses, Cattel or Boat, shall cause the said Cattel, or Boat, with the Proper descriptions, to be cryed Publickly in all the Churches and Chappels in the County within one Month after the taking them up, and if no Owner appear, then to publish the same at the next County Court, and if then no Owner appear he may make use of such Boat till the Owner do appear, who shall allow him for his pains 100 l. of Tobacco.

Sunday.

I. *Anno 1662. Ch. 9.* Enacted that the Lords Day be kept holy, and no Journeys be made on that Day unless upon necessity. And all Persons inhabiting in this Country, having no lawful Excuse, shall every Sunday resort to their Parish Church or Chappel, and there abide orderly.

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derly during the Common-Prayer, Preaching, and Divine Service, upon the penalty of being fined 50 *l.* of Tobacco by the County Court.

II. This Act shall not extend to Quakers or other Recusants who totally absent themselves, but they shall be liable to the penalty imposed by the Stat. 23. *Eliz. viz.* 20 *l.* sterling for every Months absence, &c. And all Quakers assembling in unlawful Conventicles shall be fined every Man so taken 200 *l.* of Tobacco for every time of such meeting.

III. *Ch.* 58. No Sheriff, nor his Officer shall execute any Writ or Warrant upon any Person or Persons, on the Sabbath Day, 30 of Jan. 29 of May and 13 of Sept. nor at the times of General Musters or Election of Burgeses, Except for Riots, Felony, or Suspicion of Felony, or for an Escape out of Prison when under Execution, and such may be apprehended upon any Day and at any place.

Superfedeas.

Anno 1662. *Ch.* 41. No Superfedeas shall hereafter be granted, but by the Governour and 2 of the Council, nor by them unless the Party desiring it gives Security to make good his Allegation of Error for which it is granted, and if he be cast at the next General Court, to pay the Principal with 25 *per Cent.* Damages, and costs.

Surveyors and Surveying.

I. *Anno* 1662. *Ch.* 75. Surveyors of Land shall demand no more than 20 *l.* of Tobacco for measuring 100 Acres of Land if the Parcel exceed 500 Acres, if under, then 100 *l.* of Tobacco. For which he shall deliver an exact Plot survey'd and measured. If the Surveyor goes further from his home than he can return in one Day, he shall be allow'd 30 *l.* of Tobacco *per Day* for every Days absence, if the Passage be by Water then the Party that employs him, shall provide for his Transport both out and home again. No pay to be received till the Plot be delivered.

II. *Ch.* 76. No Surveyor shall give a Plot of any Land survey'd by him to any Person till 6 Months after the

drawing thereof. And all Lands survey'd shall at the surveying be plainly markt and bounded for all Persons to take notice of. The Surveyor offending contrary to this Act shall forfeit 500 l. of Tobacco.

III. *Ch. 78.* The Inhabitants of every Neck and Tract of Land adjoyning, shall once in every 4 Years go in Procession and see the marked Trees of every Man's Lands in those Precincts to be renewed, by which means Bounds will be so generally known, and the marks so fresh that no alteration can be made.

IV. The Bounds of the present Proprietors being thus settled shall conclude the said Proprietors, and all claiming from or under them.

V. If any difference happen at present that cannot be by the Neighbours decided, 2 honest and able Surveyors shall in presence of the Neighbourhood lay out the Land in Controversy, and the Bounds then laid out shall ever after be renew'd and continue so. The Person causing the Difference to pay the charge of the Survey.

VI. The County Court shall appoint every Parish to divide themselves into Precincts in order to see their Marks renew'd and go the said Processions some time between *Easter* and *Whitsunside*. The Court that shall be negligent herein shall be fined 10000 l. of Tobacco, the Parish that shall neglect 1200 of Tobacco, and the Person that fails to go at the Day appointed for this end 350 l. of Tobacco.

VII. *Anno 1666. Sess. 2. Ch. 5.* The Fees formerly limited for Surveyors, shall be doubled, *viz.* 40 l. of Tobacco for measuring every hundred Acres, if the whole exceed or amount to 1000 Acres, if under that quantity then 400 l. for which he shall deliver an exact Plot of the Land survey'd.

VIII. A Surveyor refusing, upon reasonable demand, to Execute his Office, not being hindred by Sicknefs or other lawful Impediment, shall be fined and pay for such refusal, 4000 l. of Tobacco, and for exceeding his Fee, 200 l. of Tobacco for every hundred Acres, half to the Party injured, and half to the Informer.

T.

Tanners.

Anno 1662. Ch. 3. One or more Tan-houses shall be erected in every County, at the County Charge, and a Provision made of Tanners, Curriers, Shooemakers, for making the Hides of this Country into Leather and Shooes. An allowance shall be made to every Inhabitant of the County for every dry Hide, 2 *l.* of Tobacco *per* pound, and Shooes shall be sold at 30 *l.* and 35 *l.* of Tobacco, of the 6 largest Sizes, &c.

Taxes, Tythables and Levies.

I. Anno 1662. Ch. 53. Every County shall be divided into several Precincts, in every of which a Commissioner shall be appointed to take a List, to be brought or sent in under the hand of the Master of every Family, of the Names and Numbers of the Tythables in his Family, if he give in a false List he shall pay treble Duties for every Person conceal'd.

II. The Commissioner shall cause notice to be set up at the Church Door, of the Day by him appointed to bring in the Lists, at which time every Person neglecting to bring in his List, shall be adjudged a Concealer, and pay accordingly: And a Commissioner neglecting his Duty shall pay treble also.

III. The Commissioner shall deliver the Accounts so taken by him to the County Clerk, who shall return an exact List of the Families to the Clerk of the Assembly the 1 or 2 day of every September General Court.

IV. Ch. 54. All Male Persons of what Age soever, imported into this Country, shall be brought into the List of Tythables and be liable to the Payment of all Taxes. And all Negroes imported Male or Female shall be accounted Tythable; and all Indian Servants of both Sexes being adjudged 16 Years of Age.

V. No Christian, Native of this Country, or imported free, shall be liable to the payment of Levies till the Age of 16. Nor other Persons by particular Act of Assembly exempted.

VI. *Ch. 55.* Every Councillour of State for this Country, shall be exempted from all publick Charges and Taxes, for himself and 10 of his Family, Ministers and Church Dues excepted.

VII. All Ministers officiating in any publick Cure, and 6 of their Family, shall be exempted from publick Taxes.

VIII. All Persons that came into this Country, at the last coming of Sir Thomas Yates, shall be exempted for their own Persons, from Taxes (Church Duties excepted) and from serving in the Wars.

IX. *Ch. 56.* Every Artificer and Handicraftsman following his Trade and not planting Tobacco, either by himself or Servants, shall for his encouragement be exempted from paying any Levies (except Ministers and Church Dues) for himself or Servants, during 3 Years. Provided that if he shall directly or indirectly, at home or abroad, cause to be planted or tended any Tobacco, or hire out his Servant to that purpose, he shall pay double Levies for himself and all his Tythables.

X. *Ch. 57.* The Governour and Council shall have power to raise and proportion a Levy to defray the Country Debts and Salaries allow'd by the Assembly, and other Debts justly and necessarily due, provided it amount not to above 20 l. of Tobacco *per Pole*. This Act to continue for 3 Years, unless some urgent occasion happen in the mean time of calling an Assembly.

XI. *Anno 1662. Sess. 2. Ch. 16.* No Merchant, Master, Mariner, or other Person, shall receive on board any Ship, Vessel, &c. any Tobacco before the Imposition of 2 s. *per Hogshead* be duly paid in Monies, or Value, and due Certificates or Cocquets thereof from the Collector; under penalty of forfeiting all such Goods to the Publick.

XII. *Ch. 20.* The former Act of exempting Tradesmen and Handicraftsmen from paying Levies (*Sup. Sess. 9.*) suspended for 5 Years.

XIII. *Anno 1663. Ch. 7.* Every Master of a Family shall give an exact Account of all Tythable Persons in his Family annually by the 10 of June. And in case of concealment, the Person conceal'd shall be forfeited to the Informer

Informer and Prover, if a Servant ; but if the Person conceal'd be a Freeman, then for every such Person, the Master of the Family shall forfeit 1000 weight of Tobacco. Women Servants exempted out of this Act.

XIV. *Anno 1665. Ch. 7.* All Vessels trading here out of *New-England* or any other adjacent Plantations in *America*, shall for the future be free from the Imposition of 10 s. per Hogshead, and pay no other Duties or Customs than any other Vessel trading out of *England*.

XV. *Anno 1670. Ch. 4.* After the 10 of *June* in every County, the Clerk of the County Court shall set up the Names and Numbers of Tythables taken by the Justices in their respective Precincts, at the Court Door, all that Court Day, to the end that any Person living near may discover Concealments, if any be.

XVI. *Anno 1672. Ch. 3.* All Persons appointed to take an Account of Tythables, shall take an Account of all Negroes, Mulatto, and Indian Children, and their Ages by the Oath of the Masters or Owners of them. All such Children shall within 12 Months after their Birth, be register'd in the Parish Register with their exact Ages: All Negro Women born in this Country shall be accounted Tythable at 16 Years of Age.

XVII. *1673. Ch. 5.* No Tradesmen, Merchants, nor any Artificers whatsoever, above the Age of 16 Years, shall be exempted for the future from payment of Levies, any usage to the contrary notwithstanding.

XVIII. *Anno 1676. Ch. 9.* The Acts exempting Councillors and ten of their Family, and Ministers and six of their Family, from paying Levies, repeal'd. Instead thereof, there shall be allow'd and paid out of the Monies arising upon the Impost of 2 s. per Hogshead to the Councillours attending general Courts and Assemblies the Summ of 100 l. sterling, over and besides the 250 l. sterling heretofore paid. And to such Ministers as shall be appointed to attend at general Courts or Assemblies 5 l. sterling for every general Court or Assembly they shall attend.

XIX. None shall be exempted from payment of Publick or County-Levies, except the Governour and his Servants, the single Person of every one of the Council, all Ministers beneficed in this Country, and such lame and Impotent Persons as by order shall be left out of the Lists.

XX. *Ch. 13.* Six able House keepers or Freeholders shall and may sit with the Vestry and have equal Votes at the assessing Parish Taxes, but if they refuse or neglect to appear, having had notice, the Vestry may proceed without them.

XXI. *Anno 1680. Ch. 3.* For every Hoghead of Tobacco exported out of this Colony, by Land or Water, there shall be paid by the Exporter 2 s. of Currant English Money, and for every 500 Weight of Tobacco transported in Bulk the same rate, and so proportionably. For the support of the Government of this Colony of *Virginia*.

XXII. All Ships and Vessels coming to any part of this Colony, shall pay for every Tun such Vessel shall contain half a pound of good new Powder, and 3 pound of Leaden Shot, or 1 s. 3 d. in lieu thereof, and 6 d. *per Poll* for every Person imported, not being actually a Mariner in pay.

XXIII. Every Master that willingly conceals any part of his Freight or makes false Entries, &c. shall forfeit 100 l. Sterling, and pay treble Duties, half to the King, and half to the Informer, to be recover'd by Action of Debt, &c.

XXIV. The Master of every Vessel shall enter into Bond of 20 l. Sterling for the payment of the Duties as appear by Certificate to be enter'd at the Custom-House in *England*. And such Masters as shall give in true Accounts, and advance and pay down the abovementioned Duties in Money or good Bills, shall be allow'd for an Encouragement, 10 *per Cent*.

XXV. All Former Acts for levying 2 s. *per* Hoghead, Castle-Duties, Tunnage, or Head Money, are hereby repeal'd, (*v. Tit. Impositions, and Castle-Duties.*)

XXVI. Privilege of *Virginia* Owners shall be in full force and virtue. (*vid. Tit. Privilege, and Castle Duties. Sess. 2.*)

XXVII. *Anno 1680. Ch. 9.* The allowance for Cask in all Publick, County, and Parish-Levies, and for Clerks and Sheriffs Fees, shall be 8 *per Cent*. and no more, and so much the Sheriff or Collector shall allow the Planter for his Cask, upon penalty of paying to the Party grieved 100 l. of Tobacco.

XXVIII. *Anno 1682. Ch. 13.* The Summ of 89 l. of Tobacco shall be paid by every Tythable Person within the

the Colony and Dominions of *Virginia*, being the Publick Levy for this present Year, for defraying the Charges of the Country.

Tobacco.

I. *Anno 1662. Ch. 80.* Every Person not demanding his Debts due in Tobacco, between the 10 of *October* and the last of *January*, shall not sue the Person indebted to him for present payment. And it shall be lawful for any Person owing Tobacco, to dispose of the same to his own use after the last of *January*, if not demanded by a Creditor.

II. No Execution shall Issue for a Tobacco Debt, but against the Person, who may free himself by giving Security to pay the Debt the next Crop. And a Creditor may at any time sue his Debtor for Security to receive his Debt the next Year.

III. *Ch. 106.* No Tobacco shall be planted after the 10 of *July*, and whoever plants or replants any after that time, shall forfeit 10000 *l.* of Tobacco to the use of the Publick.

IV. *Ch. 107.* Whosoever shall tend or suffer to be tended any second tops or slips shall forfeit 10000 *l.* of Tobacco, to the Publick.

V. Who ever shall save, pack, or sell, and send away any Ground Leaves (which ought to be totally suppress) shall forfeit for every Hoghead that hath in it 5 *l.* of Ground Leaf Tobacco 5000 *l.* of Tobacco to the use of the Publick. The Breach of this Act to be duly presented by the Grand Jury.

VI. *Anno 1666. Ch. 2.* If the Creditor omit to demand his Tobacco by the last of *January*, the Debtor may at any time between that and the 20 of *February* apply himself to the 2 next Justices of Peace who shall appoint 3 honest Men of the Neighbourhood, who shall upon their Oaths view the Tobacco, and if they find it Merchantable, weigh and mark it for the Creditor, on whose account the same shall after lie. And the Debtor producing a Certificate of the said Tender from the said Justices to the next Court, the Court shall by their Order discharge the Debtor from the Debt, provided the Tender be made in place according to specialty.

VII. *Anno 1667. Ch. 1.* Tobaccoes of the growth of *Mary-Land*, laden in Ships riding in any Harbour of *Virginia*, shall not pay any *Virginia* Duties, from hence till the 1 of *October* 1668. Conditionally that the Government of *Mary-Land*, allow the like Liberty for *Virginia* Tobacco shipped in Ships riding in their Harbours.

VIII. *Anno 1668. Ch. 8.* Declar'd, that marking alone without Weighing, doth transfer the Property of Tobacco to him that lets or causes to be set, his Mark upon it, and the quantiry may be weighed and ascertain'd by any Commissioner of the County, if the Party concern'd neglects to do it for 10 Days.

IX. *Anno 1679. Ch. 8.* No Tobaccoes packt in Casks or otherways, shall be brought from without the Capes of *Virginia* into this Colony in any Vessel whatsoever, except only by such Persons as are Inhabitants of *Lower-Norfolk* County, and that the Tobaccoes by them brought round the Capes, shall appear to be of the growth of the said County; under the penalty of forfeiting all such Tobaccoes so brought in, contrary to this Act, one half to the King, the other to be divided between the Informer and the Country.

X. Provided, any Merchant or other Person, may fetch from *Carolina* and bring hither such Tobaccoes as are now due to him, in case he repairs to the County Court where he lives and there makes Oath, within three Months after the Publication of this Act, what Summs of Tobacco is due to him, and cause the same to be recorded, and also before he unloads or lands the same in this Country, make entry of the same with the next Collector, and also make Oath before him that such Tobacco is part of that that was due to him before the making of this Act.

Trade.

I. *Anno 1662. Ch. 108.* A considerable quantity of Flax Seed shall be sent for into *England*, and distributed into the several Counties to retain Persons who may sell it to the Inhabitants, and the produce thereof to be paid the Year following with the Levy.

II. Whoever shall spin the Flax and cause it to be weaved into Cloath of a Yard wide, shall have for every Yard

Yard 3 *l.* of Tobacco and for every Yard of Woollen Cloath, made of the Yarn here spun 5 *l.* of Tobacco, to be paid upon due proof thereof, out of the Publick Levy in the same County where they dwell.

III. *Ch.* 114. Free Trade shall be allowed to all the Inhabitants of this Country, but not with the *Indians* for Bever, Otter, or other Furs, except those commissioned by the Governour. And all Acts concerning ingrossing, repeal'd.

IV. *Ch.* 122. Whosoever shall after the 1 of *June* next export out of this Colony any English Goods not by him formerly imported, shall upon discovery, forfeit such Goods, and be fined the Value, one half to the Informer the other to the Publick.

V. *Anno* 1666. *Seff.* 2. *Ch.* 15. All Acts of Encouragement for Silk, building of Vessels, or any other things, shall from henceforth stand repeal'd, except the Act of 1662. *Ch.* 134. (*vid.* *privilege*) And the Act for planting Mulberry Trees, which now every one voluntarily propagates, shall stand repealed.

VI. *Anno* 1679. *Ch.* 9. No Ship or Vessel belonging to the Inhabitants of *Mary-Land*, or coming from thence shall be permitted to bring in any Goods or Commodities into any River or Port of this Government and unload the same without first making due Entry thereof with the Collector, under the penalty of forfeiting such Vessel with the Goods, &c. One half to the Informer, the other to the use of the County where the seizure shall be made. This Law to stand in force till the *Mary-Landers* repeal their severe Law of this Nature made against the Ships and Vessels of this Country.

VII. *Anno* 1680. *Ch.* 5. Fifty Acres of Land in every County shall be laid out and set apart for a Town for Store Houses, and the Places where they shall be in the respective Counties are specify'd, for which see the Act at large.

VIII. The Price to be paid by the severall and particular Counties, for the respective 50 Acres of Land shall be 10000 *l.* of Tobacco and Cask, to the Owners thereof, which they shall accept and receive for a full price for the said Land for ever, and authentickly convey the same to Feoffees in trust for the use of the said County.

IX. All and every such Person as will build a dwelling House and Ware-house thereon, shall have assigned to him

him one half Acre of the said Land in fee-simple, he paying to the Countrey 100 *l.* of Tobacco and Cask, and so proportionably if he hath 2 half Acres and builds 2 dwelling Houses, &c. But he shall forfeit his Interest in case he doth not build within 3 Months after such purchase.

X. The Surveyor that lays out the 50 Acres shall be paid by the Publick. And for laying out every divided half Acre and giving a Plot thereof, he shall be paid by his Employer 20 *l.* of Tobacco and Cask and no more.

XI. All Tobaccos and other Goods and Manufactures of this Colony shall be brought to the said appointed Places, and there sold, Shipt off, and freighted. And whoever shall buy, sell, freight or ship off any Tobaccos, or other Goods before the same be brought to such appointed Places, he shall upon due proof thereof, forfeit and loose the same, one half to the King, the other to the In-former.

XII. All Goods, English Servants, Negroes, &c. imported into this Colony after the 29 of *Sept.* 1681. shall be landed and sold at the said appointed places, and no where else, under the like penalty of Forfeiture.

XIII. Provided, any Persons may buy and sell between themselves Horses, or any Cattle, English grain or any other Provisions, or send Hides to Tan-Houles, notwithstanding this Act.

XIV. No more shall be paid for Sloop-hire than 20 *l.* of Tobacco and Cask for every Hoghead, if within 30 Miles of the said Ware-house, and at what distance soever further, double. And for Storage in any Ware-house, the Warehouse-Keeper shall take no more than 10 *l.* of Tobacco for the first Day or for a Month, and for every Month after 6 *l.* of Tobacco.

XV. No Execution, Attachment or other Process in Law shall be laid upon any Tobaccos in the time of Transportation thereof to the appointed Places, or in the Warehouses, for any Debt contracted before the passing this Act.

XVI. All Carpenters, Sawyers, Bricklayers, Labourers and all other Tradesmen that will come and inhabit and exercise their Trades within the said appointed places, shall for their Incouragement, within the Limits of the said places be free from Arrests, and their Goods from seizure, for any Debt contracted before their coming, during the Term of 5 Years; but not barring the Creditors to sue after

after the 5 Years are expired. And during the said Term of 5 Years they shall also be free from the paying of any publick Levy. But all such Debts as shall accrew by any Bargain or Contract made or to be made within the Limits of the said appointed places may be sued for and immediate Process granted thereon.

XVII. No Collector of Publick, County, or Parishi Levies, or for Sheriffs or Clerks Fees, shall distrain or seize any Tobaccoes in such Places.

XVIII. Two neighbouring Counties if they see convenient, may agree to lay out Ground to serve for the building of such Place and Town as aforesaid, which may serve for both Counties, any thing in this Act to the contrary notwithstanding.

XIX. *Anno 1682. Ch. 12.* All Debts either in Money or Tobacco contracted in this Country, (where the Debtor upon demand of the Creditor, can not pay the same in Specie, and shall discover upon Oath before one Justice of Peace, what Money or Tobacco he hath, and tender the same in part of Payment) may be paid in the Commodities and Manufactures of this Country at the following Rates, *viz.* Tobacco at 10 s. *per Cent.* Wheat, English Pease at 4 s. or 40 l. of Tobacco *per* Bushel. Oats and Indian Pease at 3 s. 7 d. q. &c. *per* Bushel. Indian Corn shelled 2 s. &c. *per* Bushel. Flax, 7 d. q. &c. *per* Pound. Hemp, 4 d. 3 q. &c. *per* Pound. Wool 9 d. 3 q. &c. *per* Pound. Butter, 6 d. &c. *per* Pound. Tallow 4 d. 3 q. *per* Pound. Fresh Pork, 12 s. &c. *per Cent.* Fresh Beef 10 s. *per Cent.* Inch Plank, 15 s. *per* 1000 Foot. Tar, 15 s. *per* Barrel. Pipe-Staves 3 l. *per* Thousand, containing 120 to the Cent. Barrel-Staves 1 l. 13 s. 7 d. ob. *per* Thousand. Buck-skins drest, each 2 s. 4 d. 3 q. undrest 1 s. 2 d. q. Doe Skins drest, each 1 s. 9 d. ob. undrest, 11 d. Or for the several Sums aforesaid a proportionable rate in Tobacco.

XX. The said Commodities to be at the time of Tender, good, sound and merchantable in their kind.

XXI. This Act not to extend to the Quit-Rents, or other of his Majesties Dues and Customs.

XXII. This Law to continue in force to the 10th of November 1685, and no longer.

Trespasse.

Trespases.

I. *Anno 1662. Ch. 71.* If any Planter, or other, shall hunt or shoot within the Limits of anothers Dividend, without leave first obtained, he shall forfeit for every such Trespas 400 l. of Tobacco, half to the Owner of the Land, half to the Publick uses.

II. Provided, it shall be lawful to hunt or shoot upon any dividend not planted or seated, tho taken up. It shall be lawful also for any that hath shot any Game without the Limits of another Mans Land, to pursue the same upon another Mans Land, and take and carry away the same. So also to fetch off his own Cartel or Hogs from another Mans Land, first giving notice of his Intention, to the Owner of the Land.

III. Persons Licenced by the Governours Authority may hunt wild Hogs upon any Mans Land without their Fenced Plantations.

V.

Vagabonds, Vagrants and Poor.

Anno 1672. Ch. 7. The Justices of Peace in every County shall put the Laws of *England* against Vagrant, Idle and Dissolute Persons into strict Execution. And the respective County Courts shall place out all Children whose Parents are not able to bring them up, Apprentices to Trades, the Males till 21, and the Females till 18 Years of Age, and no longer. And the Church-Wardens shall give an Account yearly of all such Children within their several Parishes as are in this Capacity:

Generations

Iterations Suits.

Anno 1670. Ch. 7. In all Cases where the Molestation shall be found to be unjust, the Party so molesting may be enforced to pay to the Party grieved, for every Day he may be reasonably going to *Jame's City* and returning home, 30 l. of Tobacco, and for every Days attendance to answer 60 l. of Tobacco, besides his ordinary Non-Suit, and costs allow'd by the Court.

W.

Weavers.

I. Anno 1666. Sess. 2. Ch. 10. Commissioners of each County Court shall provide and set up a Loom and a Weaver, in each of the respective Counties of this County, at the charge of the County, and no private Person setting up a Loom at his own Charge, shall excuse the County from setting up a Publick one.

N. Every County Court neglecting to perform the Tenor of this Act, shall be fined 2000 l. of Tobacco to the Publick, and Informer.

III. The Executing of this Act in the Counties of *Rapahannack, Stafford, Westmorland* and *Northumberland* shall be respited for 4 Years.

Weights and Measures.

I. Anno 1662. Ch. 63. None shall buy or sell but by English Weights and Measures.

II. The Commissioners of every County shall provide at the County charge, sealed Weights of half hundreds, quarterns, half quarterns, seven pounds, four pounds, two pounds, one pound; of Measures, Ell and Yard; of Bushel,

Bushel, half Bushel, Peck and Gallon ; of Winchester measure, Gallon, Pottle, Quart, Pint ; and of Wine Measures, out of England.

III. The first named in Commission, in every County, shall keep these Standards in his House, with a burnt Mark, and Stamp for Lead and Pewter ; to whom all who have not Weights and Measures sealed in England, shall bring their Barrels, Measures, and Stilhards to be tried and sealed.

IV. All Persons selling by Weights or Measures not sealed as aforesaid, shall forfeit 1000 l. of Tobacco, half to the Publick, half to the Informer.

V. Commissioners not providing such Weights, Measures, Scales, and Stamps, as abovesaid by the 1 of December 1663 shall be fined 3000 l. of Tobacco, to the use of the Publick.

VI. *Ch. 117.* Virginia Hogsheads for Tobacco shall be 43 Inches in length, and the Heads 26 Inches wide, with the Bouge proportionable. He that makes any Cask of a larger sieze, shall pay (if a Freeman, otherwise his Master or Mistress for him) 3000 l. of Tobacco, half to the Informer, half to the County. And all Casks made of unseason'd Timber shall be burnt.

Widows.

I. *Anno 1664. Ch. 7.* The Estates of all Persons Intestate, where, doubtful whether personal or real, viz. Land cleared, or Woodland and housing, may be according to the quantity and quality of the same, divided equally into thirds, and the Widow to have the choice of the thirds after the Division.

II. *Anno 1673. Ch. 1.* Widows of Persons dying intestate shall be endowed with the 3 d. part of the Real Estate to be equally divided, as to housing, fenced Grounds, Orchards, Woods, &c. during her natural Life. And the third part of the Personal Estate, if there be but 1 or 2 Children, if more, the Personal Estate to be divided among the Widow and all the Children, share and share like. The Husband by his Will, may devise more to his Wife than as above exprest, but not less.

Witnesses:

Witnesses.

I. *Anno 1662. Ch. 28.* The Clerk of the general Court shall issue subpoenas from the Secretary's Office, if the Witnesses required do not dwell beyond the Bay, or on the North side of *James's River*; if so, a *Dedimus Potestatem* shall issue for taking their Depositions in the County where they dwell.

II. In Criminal Causes all Witnesses shall give their Evidence *viva voce*, at the Tryal, in the general Court.

III. *Ch. 30.* The Penalty for not appearing upon a Subpena at the General Courts shall be 1000 *l.* of Tobacco, and for the like default at County Courts 350 *l.* of Tobacco.

IV. Witnesses shall be allow'd for their necessary time spent in coming and going to and from the said Courts 20 *l.* of Tobacco *per Day*, and for the time of their attendance there, 40 *l.* of Tobacco *per Day*.

V. There shall not be allow'd in any Bill of Costs, the charge of above 3 Witnesses to any one Action, unless for proof of incident Matters which severally may require the attestation of 2 Witnesses.

VI. *Anno 1662. Sess. 2. Ch. 7.* If a Witness subpoena'd to give Evidence in any Cause, refuse to declare it upon Oath, he shall be committed to Prison, and there remain till such time as he will declare it upon Oath.

VII. 1674. *Ch. 2.* All Witnesses that come to *James's City* 20 Miles and upwards, shall be paid 30 *l.* of Tobacco *per Diem*, and 60 *l.* of Tobacco *per diem* for their Expences during their Attendance there.

VIII. *Anno 1682. Ch. 10.* All Persons subpoena'd as Witnesses in any Cause depending in any Court of *Virginia*, shall be free from Arrests for Debt or Trespass (except at the Kings Suit) during their Attendance, and coming and returning.

Wolves.

I. *Anno 1662. Ch. 59.* He that destroys and kills a Wolf by Pit, Trap, or otherwise, shall be paid 200 *l.* of Tobacco, by the County. Provided he makes proof be-
fore

fore the next Commissioner how the Woolf was killed, and bring his Head, and take from the said Commissioner a Certificate thereof.

II. *Anno 1665. Ch. 2.* A former Act appointing the Incouragement for killing of Woolves to be levyed upon Houses, repealed; and another former Law for levying the said Incouragement *per Poll* revived and continued.

III. *Anno 1666. Sess. 2. Ch. 6.* The Allowance for Woolves killed by the *Indians*, shall be wholly left to the County Courts, to be provided for by their Bye-Laws as shall be most requisite according to the occasions of each County.

IV. *Anno 1670. Ch. 10.* A former Act for the Incouragement of *Indians* to kill Woolves, and paying the Tribute Beaver in Woolves heads, repeal'd.

V. *Anno 1676. Ch. 14.* All Acts giving Encouragement for killing of Woolves, repeal'd. And Liberty granted to each respective County to make such Bye-Laws for that purpose as they shall think fit.

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A TABLE OF General Heads.

A.

Accounts.*Limitation 3.***Administration.***Orphans 9.**Sheriffs 22.***Aminution.***Indians 14.***Appeals.****Apprisements.****Arrests.***Courts 10. Sunday 3. Wit-**nesses 8. Burgeses 6.**Trade 15.***Assemblies.****Attachment.***Sheriff 7. 8.***Attornies.**

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THE
Acts of Assembly
 AND
L A W S
 OF
J A M A I C A,
 Abridg'd under Proper Heads.

A.

Ale-houses and Taverns, &c.

I. **A** *Nro 1682 Act 5.* None shall have any Licence from the Governour to retail any strong Liquors, without Certificate under the Hands of 2 Justices of Peace, and good Security given in the Secretaries Office, of 100 *l.* nor to suffer any Disorders in his House.

II. None shall sell Rum, or Rum Punch, without Licence from the Justices in Sessions, and Security first given,

ven, under the penalty of 40 s. for every such Offence.

III. None shall entertain in their Houses so licenced, any to tipple or drink in time of Divine Service, under penalty of 20 s. and the Person or Persons so found, each of them 5 s. to be levied by distress, upon any one Justice of Peace's Warrant.

IV. Whoever shall dishonour God, by open profaneness or Blasphemy, shall upon conviction in the Supream Court of Justice, be fined 20 l. or more, for every such Offence. Servants shall be liable to such corporal Punishment as the Judges shall think meer. Life and Limb excepted.

V. Every Person so licenced as aforesaid that suffers common Gaming, shall forfeit 10 l. And he that wins any Money by fraud or false Dice, shall forfeit treble the value thereof, upon Conviction And no Sum above 40 s. won at any Game, or by betting, shall be recoverable. All Bonds, Contracts, and Securities, for above that Sum won as aforesaid, shall be void.

VI. Provided, any maker of Rum, may by himself or Servants, sell and vend the same, pure and unmixt.

VII. The foresaid Penalties shall be one half to the King towards the support of the Government, the other to the Informer, who shall sue for the same in any Court of Record in this Mand, wherein no Effoign, &c. shall be allowed.

Arrests, and Execution.

I. *Anno 1684. Act 7. p. 122.* None shall be adjudged Free-holders of known Residence, unless he possess 5 Acres planted, or a House of 10 l. *per an.* on his Freehold, and all others shall be liable to Arrests.

II. *Eod. p. 121.* Sugar, Ginger, Anotto, Indico, Cacao, Cotten, or Piemento, taken upon Writ of *Venditioni exponas*, shall be carried to Port-Royal, at the Defendants charge, and there appraised by the Church-Wardens upon Oath, which Goods so appraised shall be by the Provost Marshal deliver'd to the Plaintiff and by him accepted for so much Money.

III. The said Church-Wardens shall receive from the Defendant 4 d. *per pound*, for what they shall appraise. And if they refuse to appraise upon Oath the goods so taken,

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ken, he or they so refusing shall forfeit for every such refusal, 10 *l.* half to the King, and half to the Informer. to be recovered by Bill, Plaint, &c. in any Court, &c.

Assembly.

I. *Anno 1682. Act. 1.* In every Assembly hereafter to be called by the Kings Writ, in this Island, there shall be 3 Representatives for the Parish of *St. Catharines*, the like for *Port Royal*, and 2 for every other Parish in the Island. And the Provost Marshal shall give notice to the Parties elected, within 10 Days after their Election.

II. Every Person elected must be a Free-holder in the Island, and none can vote in Election but Free-holders in the same Parish.

B.

Building.

I. *Anno 1682. Act. 19.* None shall build at *Port-Royal* within 30 foot of the High Water Mark, excepting the Wherry Place. And such Houses as are already or shall be built, within 30 Foot, shall be taken down and removed within 6 Months; or otherwise the Proprietors shall build a strong substantial Wharf of 30 Foot broad.

II. No House shall be built further Northward on the Harbour than Major *Bach's*, and Captain *Swimmer's*.

III. When any Fire shall happen at *Port-Royal* or any other Town, 2 or 3 of the chief Officers of the same Town or Parish shall order the pulling down or Blowing up of such Houses as they shall judge meet for stopping the Fire. And if the Fire be stoped by such means, the said Houses shall be paid for by those whose Houses in the said Town shall not be burnt, for which a tax shall be made and levied among them. But if the House where the Fire begins shall be judged fit to be pull'd down to prevent the spread-

spreading, the Owner of such House shall have no satisfaction.

IV. Owners of Lands or Houses on the South-side of *Port-Royal*, from *Fort-Rupert* to the House of *Edward Watkins* shall serve their respective proportions of Land joyning on the Sea, with a substantial Wharf of lasting Timber, under the Penalty of 10 *l.* for every Years neglect. One third to the King, one to the Poor of that Parish, and one third to the Informer. For their Encouragement to Wharf, the Church Street shall be added to their Lands and Free-hold, proportionably as they bound upon the same, they leaving a Passage of 18 Foot open.

V. None shall build nearer to the Church on the South-side, than what is now built.

VI. None shall fetch, or dig up any Stones from the Riffs below Highwater Mark from the East and South parts of the Kays lying off *Port-Royal*, &c. Penalty 10 *l.* for every Offence. Nor cast out any Ballast in any Harbour or Bay, penalty 20 *l.* for every Offence.

VII. No Wrecks shall be laid up in the Harbour of *Port-Royal*, and if any decay'd Vessel sink there it shall be removed by the Owner within one Month, or he shall forfeit 20 *l.* for every Month it lies.

VIII. The Fines and Penalties of this Act, shall be one third to the King, one third to the Church Wardens of the Respective Parishes, and one third to the Informer.

IX. Every Person that shall entertain any Seaman belonging to any trading Ship in any Harbour of this Island, after 8 at Night, shall forfeit 40 *s.* one half to the Poor of the Parish, the other to the Master, or Commander of the Ship, to be recover'd by a Justice of Peace's Warrant as other Debts not exceeding 40 *s.*

C.

Cattle.

I. *ANNO* 1682. *Act* 10. All Plantations bounding on Savanna's, Highways, &c. and Pastures made out of Woodlands, shall be sufficiently fenced in.

II. If any Damage shall be done by any Stock in any Plantation so fenced, the Damage, and the sufficiency of the Fence, shall be determined by the Oath of 3 Freeholders, and the Owner of the Stock shall pay double the Damage done, to be recovered before any Justice of Peace, if not exceeding 40 s. if more, in any Court of Record.

III. No Person whatsoever shall kill any Cattle, Horse, Mare, Mule, or Assinego, under the Penalty of 15 l. to be recover'd in any Court of Record by the Owner or Proprietor of the said Beast.

IV. All Owners of Neat Cattle shall keep one white Man at each Pen, and 2 white Men at every Pen whereunto belongs above 200 Head of Cattle. Penalty 10 l. for every white Man wanting for the space of 3 Months, half to the Poor of the Parish, half to the Informer.

V. All owners of Cattle shall Pen them once in 3 Nights at least, or pay the Damage double, which such Cattle shall do.

VI. Strays shall belong to the Proprietor of the Ground, where taken up, provided he crys the Stray 3 Court days with proper descriptions, and turns the same loose in the feeding Ground with a Withe about the Neck; for one Year, and if not claim'd in that time the Property shall be his. Ear-markt, or burn-markt Cattle shall belong to the right Owners, if claim'd any time after the expiration of the Year.

VII. The Clerk of each respective Court of Record in this Island shall make entry and toll all sort of Cattle that shall be sold from one Person to another, which are to be vouched by 2 sufficient and known Persons, which Entry and Toll shall be good against all former sales, of any other Title, except where the Provost Marshal hath

levyed the same in Execution. The Clerks Fee for such Entry 1 s.

VIII. No Person whatsoever shall carry Fire or smoak Tobacco in any *Savanna*, Plantation, or Highway, under penalty of 10 s. for every Offence, to him that shall sue, and further to pay all Damages that may happen; and in case of inability to be whipped at the discretion of any one Justice of Peace. Provided Owners of Land may carry Fire in their own Plantations, but liable to satisfy the Damage that may happen to others.

IX. None shall drive, or ride, in any *Savanna*, as a Common Horse Catcher, without first giving Security for their honesty, and obtaining leave from the Proprietors of the *Savanna*, or the Major part of them, under penalty of 20 l. one third Part to the King, one to the Proprietors of the *Savanna*, and the other to him that shall sue.

X. No Common Driver or Horse-catcher shall sell or barter any Horse, Mare or other Cattle, without bringing 2 sufficient Evidence to vouch for him before the Clerk of some Court, that he bred or otherwise came lawfully by them, under the penalty of 50 l. to be disposed as before. And the Buyer without such Vouchment shall forfeit 20 l.

XI. If any Driver or Horse Catcher shall fraudulently and designedly put any false Mark or deface any old Mark, he shall for such Offence be guilty of Felony.

XII. If any Keeper or Owner of Goats, shall suffer his Goats to feed upon another Man's Land, the Owner of the Land shall recover his Damages for such Trespas, as the Jury shall give, in any Court of Record, and full Costs of Suit in the said Action.

XIII. *Anno 1684. Act. 7. p. 119.* No Common Horse-catcher shall ride or drive in any *Savanna*, without giving 100 l. Bond with sufficient Security, to the Justices in open Sessions, under penalty of 10 l. for every Offence, and having so done he shall obtain an Order from the Justices then sitting to ride and drive, &c.

XIV. No such common Horse Catcher shall mark any Cattle without giving notice in the Parish Church the Sabbath-day before, under penalty of 20 l.

Charitable Uses.

Anno 1682. Act 43. All Gifts, Grants, Conveyances and Devises, of Lands, Tenements, Rents, Goods and Chattels, to any pious, charitable, or publick use, as for maintenance of lawful Ministers, erecting of Churches, Chapels, Schools, Colleges, Alms-houses or Hospitals, or their maintenance already made, or to be made within the space of 20 Years next ensuing, are hereby confirmed and made good, according to the true intent and meaning of the Donors, or Devisors. Excepted out of this Act Superstitious uses, or for the maintenance of any Teacher not lawfully ordained and allow'd by the Church of *England*.

Church, Church-Wardens, and Parish.

I. *Anno 1682. Act 15.* All Goods in Cask landed upon or shipped from the Bridge at *Passage Fort*, shall pay 1 s. per Tun, and so proportionably.

II. The Church-Wardens of *St. Catharines* shall take care that the said Bridge be kept in sufficient Repair, under penalty of 10 l. half to the Informer and half to the Poor of the Parish.

III. The said Church-Wardens shall appoint Collectors of the said Duty, and employ the same to the use and behoof of the said Parish of *St. Catharines*.

IV. If any refuse to pay the said Duty, the Collector may detain in his possession the Goods of the Person refusing, till satisfaction.

V. *Anno 1684. Act 7.* The Minister of each Parish shall be one of the Vestry, and no Order shall be good if timely notice were not first given to him to be there.

VI. The Inhabitants of *St. Dorothy's* and *St. Thomas* in the Vale shall pay all Parish Duties to *St. Catharines*, till each be provided of a Church and Minister of their own. Those of the *Magotty* shall pay to the Parish of *St. John*, &c.

VII. When the Parish of *St. Dorothy* shall be provided of a Church and Minister, the Bridge over *Black River* shall be built and repair'd at the equal Charges of the Parishes of *St. Catharine*, and *St. Dorothy*.

VIII. The Highways from the ford of *Rio combre* to Major *Needham's Walk*, shall be maintain'd by the Inhabitants of *St. Thomas* in the *Vale*.

IX. A Line from the head of *Swift-River* to the South Bounds of *St. Ann's*, shall be the easterly and westerly Bounds of the Parishes of *St. Elizabeth*, and *Clarendon*.

X. *Anno 1695. Act 4. p. 26.* The Place called and known by the name of *Kingston*, in the Parish of *St. Andrews* on the Harbour of *Port-Royal*, bounded South by the Harbour, West and North by the Land of *Sir W. Beeston*, and continued from a Calabash on the North-east Corner by a strait Line to the foot of the Long Mountain, and from thence till it meet with the Bounds of the Parish of *Port-Royal*, shall be for ever hereafter esteemed to all intents and purposes, an intire and distinct Parish, separate from the Parish of *St. Andrews*, and call'd the Town and Parish of *Kingston*.

XI. And shall enjoy all Benefits, Privileges, Rights, and Immunities, that any Parish or Precinct within this Island hath or ought to have, and particularly that there shall be chosen 3 Representatives to serve in every Assembly, after the first Prorogation of this present Assembly, for the said Town and Parish of *Kingston*.

XII. Also there shall be erected, establish'd, and held in the said Town, a Quarter Session for the Peace, and a Court of Common Pleas, with the same Power as was lately exercised at *Port-Royal*, which Court shall be held once every two Months, and the Sessions every three Months.

XIII. The Receiver General, Secretary, and Naval Officer, shall by themselves or Deputies, keep in the Town of *Kingston*, their several Offices, as heretofore in *Port-Royal*, on penalty of 50 *l.* each, for every Months neglect, half to the King, half to the Informer, to be recover'd in the supreme Court, wherein no Essoign, &c.

Courts, and Proceedings at Law.

I. *Anno 1682. Act 25. p. 74.* The Judges of the Supreme Court of Judicature shall have Cognizance of all Pleas Civil, Criminal, and Mixt, as fully as the Kings Bench, Common Pleas, and Exchequer have in *England*. And the same Court shall be constantly kept at *St. Jago*

de la Vega and not elsewhere, one every three Months, of which there shall be five Judges, three of the *Quorum*.

II. The several Inferiour Courts of Common Pleas in this Island, shall have Jurisdiction, where Freehold is not concerned, to the value of 20*l*. and no more and shall be kept once every three Months. Provided, the Judges of the Court at Port Royal may keep the same once every two Months; and the Chancellour here may appoint Justices in any Inferiour Courts.

III. None shall execute the Office of a Judge in any of the foresaid Courts, till he hath taken the Oaths of Allegiance and Supremacy, in open Court. And no Judge shall receive any profit, benefit or advantage, but what is allow'd them by the Acts of this Island, under the Penalty of 500 *l*.

IV. The Judges of the several Courts shall order and establish Rules and Order for the regular Practice in their Courts, as fully to all Intents as the Judges in the several Courts in *England* legally do.

V. No Counsellour or Attorney shall be admitted to Practise in any of the said Courts till he hath taken the Oaths of Allegiance and Supremacy, &c. under Penalty of 20 *l*. And whatsoever Councillour or Attorney shall by negligence or ignorance mistake his Clients Cause, whereby the Client shall suffer a Nonsuit, he or they so offending, shall, by Rule of Court without any further Process, pay the party aggrieved full Costs of Suit.

VI. The Judges may at all times, upon motion in Court, order Amendments in matter of form only; and shall not upon a Writ of Error, or motion in Arrest, reverse any Judgment for matter of Form only.

VII. No Action of Wast shall be brought in any Court of this Island; nor any Freeholder of known Residence arrested by any Process out of the said Courts, Penalty 20 *l*. to be paid by the Plaintiff to the Party so arrested, and all Proceedings thereupon shall be void.

VIII. No Suit shall be in the Supream Court of Judicature for any Matter or Cause under the Value of 20 *l*. upon the penalty of 20 *l*. to be paid by the Plaintiff, but such causes shall be tryed in the Inferiour Courts. Provided the Inhabitants of *St. Catharines*, *St. Dorothy's*, *St. Thomas* in the *Vale*, and *St. Johns*, may sue in the Supream Court for any Sum till they shall have Petty Courts erected in their own Parishes.

IX. In all Inferiour Courts, upon Summons and the defendent doth not appear, Judgment shall go by default, as in the supream Court, the Provost Marshal making Oath in open Court that the Party was legally summon'd 14 days before.

X. Upon a Declaration exhibited in Debt upon specialty, or a *Concessit solvere*, and disclosing the special matter to the Chief Judge of the supream Court, that the Debtor is either gone off the Island, or a *Non est inventus* return'd, an Attachment shall Issue against the Goods and Chattrels, &c. of the Debtor, in whose hands soever; and upon Conviction, and the Plaintiff swearing the Debt due and no part paid, and giving security to restore the same with treble Damages if disproved, he shall have Judgment to recover his Debt out of the said Goods, Chattrels, Moneys, &c. But if any Attorney appear, and put in Bail, the Attachment shall be dissolved. If the Parties in whose hands the Goods, &c. are attached, shall part with the same before the Attachment be satisfied or dissolved they shall make satisfaction to the Plaintiff out of their own proper Estates.

XI. All Debts not exceeding 40 s. where the Debtor is gone off, *ut sup.* shall be recoverable before any one Justice of Peace, by Attachment in the same manner and form as above said.

XII. All Summons from any Court shall be deliver'd to the Party, or left at his dwelling House, 14 days before the several Courts, by a sworn Marshal, except at *Port-Royal*, and there it shall be deliver'd 10 Days before the Court, otherwise the Defendant not bound to appear.

XIII. Replevins, Foreign Attachments at the supream Court, and Warrants of Arrest, may be served at any time.

XIV. No Execution shall be taken out, or executed, till 28 days after Judgment, except at *Port-Royal*, and there Execution shall issue 10 days after Judgment. No Negroes, Horses, nor any manner of Utensils belonging to a Plantation or Work shall be taken in Execution where the Defendant shall offer other Goods to satisfy the Debt and Costs.

XV. The Defendant shall have Liberry to carry his Goods taken in Execution to Market and there sell them, first acquainting the Marshal who took them upon Execution,

cution, that so he may receive the Produce thereof. If the Defendant neglect to sell them till 10 Days before the next Court, the Marshal shall take the Goods and sell them by publick outcry.

XVI. If Negroes, Horses, and Utenfils be taken in Execution for want of other Goods, they shall not be removed till a *Venditioni Exponas* issue, empowering the Provost Marshal to sell them, or in case they be made away, to levy and sell any other Goods, or in default of Goods, to take the Defendants Body, &c.

XVII. After the Goods shall be sold by publick outcry, the Money shall be paid to the Plaintiff or his Order within 10 Days, under the penalty of half the Debt to be recover'd by the Plaintiff to his own use.

XVIII. The Marshal shall not take in Execution Negroes, or Utenfils *ut sup.* if the Defendant shewshim any Stock or Cattle in a Pen, which may be sold by publick outcry, as aforesaid.

XIX. All Accidents that happen while Goods taken in Execution remain in the Defendants possession, shall be born and made good by the Defendant.

XX. Where the Body of the Defendant shall be taken in Execution, yet if any Effects afterwards appear, the Plaintiff may take out another Execution, and levy his Debt upon the same.

XXI. Where Prisoners in Execution have nothing to maintain themselves, upon their Oath thereof before two neighbouring Justices of Peace, and notice to all their Creditors, 10 days before the supreme Court, they shall be publickly let to hire at the said Court, and the Moneys arising from the hire shall be paid to such Person as the Court shall appoint to be equally divided among the Creditors. If any Creditor shall refuse to consent that the Prisoner shall be let to hire, such Creditor shall pay the Prisoner 3 s. 6 d. weekly.

XXII. If the Prisoner so let to hire shall at any time after come to have an Estate, having not satisfied his Debts, a new Execution upon the former Judgment, shall be taken out against his Goods and Chattels (*vid. inf. Prisoners.*)

XXIII. If the Provost Marshal, or Deputy, shall do otherwise than as above directed, or ask or receive any Mile Money for executing a *Venditioni exponas*, he shall forfeit 100 l. for every such Offence, half to the King, half to the party grieved.

XXIV. Other Fines mention'd in this Act and not expressly dispos'd of, shall be half to the King, half to the Informer, to be recover'd in any Court of Record in this Island.

D.

Debts.

I. *Anno* 1695. *Act* 16. *p.* 93. A Creditor may stop Arrest, and detain in Prison by due Process of Law, any Debtor that shall attempt to depart this Island, when the Marshal Law is in force and the Common Law suspended, (*vid. Militia, Sess. 17.*) till he shall pay or satisfy the Debt; and in case of such going off or departure, a foreign Attachment may issue against his Goods or Chateaux as in time of the Common Law, any thing in any former Act seeming to the contrary, notwithstanding.

II. This Act to continue in force during the present War with *France* and no longer.

III. *Act* 17. *p.* 98. *George Ivey*, Tenant in Tail (he in Remainder having consented thereto) is impower'd to sell and convey, or by his last Will to devise, all or any part of his Plantations, Lands, Tenements, &c. together with the Negroes thereunto belonging, as amply and effectually as if the same were possess'd by him in Fee-simple, and the Purchasers or Devisees of the same shall be adjudged and taken to be seized thereof as freely as if the said *George* had suffer'd a Common Recovery in the Court of Common Pleas at *Westminster*.

F.

F.

Fast.

I. *Anno 1695. Act 1. p. 3.* Every 7 Day of *June* (on which Day in the Year 1692, a most terrible and dreadful Earthquake happened in this Island, which laid Wast the Estates and Places of Habitation in General, and destroy'd many hundreds of People, shall be observed hereafter as a Day of Fasting and Humiliation, unless it falls on a Sunday, and then the day after.

II. All Inhabitants of this Island, shall annually upon that Day resort to some Place where Prayers and preaching are used to be ministred, and orderly abide during the Celebration of Divine Service.

III. Every Minister shall give notice to his Parishioners at Morning Prayer the Sunday before every 7th Day of *June*, and provide a Sermon suitable to the occasion, for that Day.

IV. No Persons by themselves, Servants, or Slaves, shall work in their Trade or Plantation on that day; nor any Shop, Tavern, Coffee, or Punch House, kept open on that Day, on Penalty of 40 s, half to the Church-Wardens for the Poor, and half to the Informer.

Fees.

I. *Anno 1684. Act 2. p. 91.* The several Fees due in the Secretaries Office, and in the supream Court, the Provost-Marshall's Fees, The Fees of Inferiour Courts and their Marshals, of the Clerk of the Peace, and Coroners, the Fees of the Great Seal, of the Surveyors, and Lawyers, The Fees of the Naval-Office and of the Clerk of the Market, are all ascertain'd and set down, for which see the Act at large.

II. No Stillyards shall be used for weighing in any Market or Hucksters Shop under the Penalty of 20 s. for each time, half to the Poor of the Parish, half to the Informer.

III.

III. No Butcher or Turtler shall sell any Meat, or Turtle, by retail, but in open Market, under penalty of 40 s. to the Poor of the Parish, recoverable before any Justice of Peace.

IV. What Officer soever, shall demand or take any greater Fees than are allow'd by this Act, and be thereof duly convicted, he shall forfeit 100 l. half to the King and half to the Informer.

V. If any Councillor, Lawyer, or Attorney, ask or receive greater Fees than are establish'd by this Act, and thereof be convicted, he shall forfeit 10 l. to the party griev'd, and be incapable of Practising any more in this Island.

VI. The Secretary, Provost-Marshal, and Clerk of the Supream Court, shall give Bonds with good Security, in the sum of 4000 l. for the true performance of their respective Offices. Which Bonds shall be lodged in the Hands of the Chief Justice for the time being, to be put in Suit as occasion shall be. And the chief Justice shall not refuse a true Copy to any Person injured, and produce the Original upon any Tryal.

VII. All other Officers shall give such Security as the Governour and Council shall think fit.

VIII. Whoever shall officiate in any such Office without first giving such Security, and taking an Oath for true performance, with the Oaths of Supremacy and Allegiance, shall forfeit 500 l. half to the King, half to the Informer, to be recover'd in any Court of Record, wherein no Essoign, &c.

Ferry.

I. Anno 1682. Act 14. p. 46. William Parker, his Heirs and Assigns, shall for the space of 14 Years, receive Toll for Passage over the Ferry by him made between St. Catharines and St. Andrews, for a Man 7 d. ob. Horse and Man 15 d. Beast 7 d. ob. every small Cattle 6 d. And the said Parker may erect a Tavern or Victualling House near the said Ferry without paying any Licence Money for the same. Provided, he finish a Way or Passage of eight Foot broad, and keep the same in good and sufficient Repair.

II. No other Person shall presume to erect or keep a Ferry or Raft over the same River for the space of 14 Years, under penalty of 500 l. half to the King, and half to the said *William Parker* his Heirs and Assigns, to be recovered in any Court of Record in this Island; no Essoign, &c.

G.

Grants.

I. *Anno* 1684. *Act* 11. p. 128. All Grants and Patents made for Fishery and Shoal-Water in and about Harbours, and the Water before several Persons Land, and for Royal Mines, and the Parade in the Town of *St. Jago de la Vega*, and Fishery between *Rio Combre* and the Salt River in *St. Andrews* Parish, are declared null and void.

II. No Grants or Patents prejudicial to Anchorage, Navigation or common Fishery, shall be good. Provided, Owners of Land adjoining upon any Harbour or Creek, may take up the Shoal Water, to make Wharfs or Bridges before their own Land, and none else.

III. Grants made of the Parade place upon *Port Royal*, and of 1100 Acres to the use of the Parish of *Port-Royal*, shall be good and Valid; and all other Patents Granted to any other Person of the same Land, since, are null and void.

H.

H.

Highways.

I. *ANNO 1682. Act 3. p. 10.* The Vestry of each Parish shall upon every third Monday in *January*, chuse 4 or more Freeholders, each having 30 Acres of Freehold, to be Surveyors for the Year ensuing, and each Vestry Man neglecting shall forfeit 40 s. In default of the Vestry, the Justices shall appoint.

II. Which Surveyors so chosen, or appointed, shall within 10 Days procure themselves to be sworn before a Justice, for the faithful and diligent performance of the Office, upon the Penalty of 10 l. sterl.

III. The said Surveyors having view'd the Defects in the Highways and Bridges, shall within 16 Days inform the Justices and Vestry thereof, who shall lay a Tax for the Amendment by the last of *Feb.* or else the Surveyors shall make such Tax in Writing, to be confirm'd by two Justices, &c.

IV. The Highways shall be 60 foot wide in standing Wood, 40 where the Wood is only on one side, and 24 in open Ground.

V. The Surveyors have Power to cut down, and remove, Trees, Bushes, Gates, Inclosures, or other things that any way straighten or incommode the Highways, and to dig for Stone, Gravel, &c. in any Land not planted or inclosed, as Yard or Garden to a House; also to press any Cart, Carriage, Workman, &c. to be employed in the Highways, giving reasonable Satisfaction to the Parties concern'd.

VI. Provided, Gates or Fences shall not be pull'd down where the Gate is at least 10 Foot between Post and Post, and the Way so well kept by Cawsey or otherwise, that two Carriages may meet, and pass each other.

VII. If any Person shall erect or cause any Nuisance in the Highways after it hath been removed, he shall for such Offence forfeit 5 l.

VIII. Where a new Path or Road is wanting, or old Ways may with more Conveniency be turn'd or alter'd, any Justice of Peace shall, on request, issue his Warrant to the next Constable to summon a Jury, who shall view, lay out, or alter such Paths or Roads with most conveniency, upon their Oaths: which shall be filed and recorded at the next Quarter Sessions of that Parish, under the hands of the Surveyor and Jury. And the Surveyor that neglects his Duty herein shall forfeit 20 l.

IX. All Acts and Doings touching the Ways, are to be recorded in the Vestry Book; which Record in all places shall be deemed good Evidence.

X. Surveyors may issue their Warrants to the Constable, or Tything-man, to warn in Workers, or to levy Money according to the Tax or Rate aforesaid. And whoever fails to send in his proportion of Workers, shall pay 3 s. per Day upon conviction of his Default.

XI. Every Justice neglecting his Duty in the Premises, shall forfeit 10 l. Every Vestry-man, Surveyor, Constable, Juror, and Clerk of the Vestry (where no Penalty is before set) 5 l. for each Offence. Which Forfeitures shall be to the use of the Highways; to be recover'd in any Court of Record, &c.

XII. *An. 1684. Act 8. p. 123.* Such Paths or Roads as have been used for 7 Years past to publick and known Springs, Rivers, and watering Places, shall be laid out and return'd to the Sessions, and there filed and recorded in such manner as is set down above, *Sett. 8.* And where new Fences on both sides of the Path shall be needful, they shall be made and maintain'd by the Precinct.

XIII. *An. 1695. Act 6. p. 35.* The Path or Road now used from the *Orange River* Plantation in the Parish of *St. Mary's*, unto the Plantation late of *Andrew Holloway*, at *Wagwater*, and so into the Parish of *St. Andrew's*, shall be a publick Road or King's Highway between the 2 Parishes of *St. Mary's*, and *St. Andrew's*.

XIV. The Path or Road from *Annotta River Bay*, in the Parish of *St. George's*, leading towards *St. Andrew's*, shall by it nearest Course, fall into the Path coming from the said *Orange River*, and the same shall be a Publick Road or the King's Highway between the Parishes of *St. George*, and *St. Andrew's*.

XV. The Surveyors of the Highways for the Parish of *St. Mary's*, shall, as oft as need shall require, clear and mend

NO *The Acts of Assembly, and*

mend the Road from the *Orange River* to the Ford at the foot of the Hill at *Little Tom's River*. And the Parish of *St. George* shall clear their Road from *Annotta Bay* unto the said place. And the Parish of *St. Andrew* shall clear the said Ford and Road leading from thence unto the said *Holloway's Plantation* at *Wagwater*, and so forward into the Parish of *St. Andrew's*.

XVI. The respective Surveyors of the Highways of the said Parishes of *St. Mary's*, *St. George's*, and *St. Andrew's*, shall be subject to the like Pains and Penalties for their Neglect; and in the same manner to be recover'd, and apply'd, as is appointed in the *Act for Highways*, (*sup. S. 11.*)

XVII. Where it shall at any time be found necessary that the said Paths, or any of them, be turn'd or alter'd, it shall be done in such manner as in the said *Act for the Highways* is appointed, (*sup. S. 8.*)

XVIII. *Act. 16. p. 94.* Churchwardens and Surveyors of the Highways shall proceed in the Discharge of their Duties, and the Justices and Vestries in the respective Parishes and Precincts, as well when Martial Law is in force, as at any other time, and under the like Penalties for neglect.

XIX. This Act to continue in force during the present War with *France*, and no longer.

Hunting.

I. *Anno 1682. Act 10. p. 30.* None shall hunt with any Gang of Dogs that is not a Planter and hath at least 5 Acres of Land Planted, under penalty of 10 *l.* sterling, half to the King, and half to the Informer, or he that shall sue for the same. Nor shall any Planter qualified own any Hunting Gang of Dogs that are not properly his, or his Mates, or hunted by their Servants, on the Penalty of 10 *l.* sterling.

II. If a Hunting Gang of Dogs do any Prejudice or Damage to any Planter or other Person, the Person damaged shall recover Satisfaction by a Justice of Peace if not exceeding 40; if more, at common Law.

III. If any Person kill or maim any tame stock by hunting or otherwise, and shall not forthwith discover the same to the next Justice or Constable, he shall pay 5 *l.* besides

besides Damages to be recover'd by the Party injured in any Court of Record.

IV. None shall hunt any Gang of Dogs within 4 Mile of any Crawl or Settlement, except on his own Land, or leave from the Proprietor, penalty 10 l.

V. None shall set any Snare or Engine, in any Place whatsoever, except his own planted Ground, under penalty of 40 s. for every time he so offends, and to pay all Damages that may happen.

I.

Justices of Peace.

I. *Anno* 1682. *Act* 6. *p.* 16. All Debts, Trespasses, and other matters not exceeding 40 s. (where the Titles of Lands are not concerned) shall be heard and determined, without Appeal, by any Justice of Peace of this Island. Who upon Complaint made shall grant a Warrant or Summons, and in case of non appearance, shall issue out a Warrant of Contempt to the Constable, to bring the Contemner before him, and may if he see cause fine the Contemner, not above 10 s. for the use of the Parish.

II. After Judgment given, the Justice may grant a Warrant of Distress directed to the Constable, to levy the Fine, Debt, Damages and Charges upon the Defendants Goods, exposing the same to sale and returning the Overplus if any be, and for want of Distress to take the Defendants Body in Execution.

III. The Justice may receive for each Warrant 1 s. 3 d. and no more. The Constable as much, with 6 d. for each Mile he Travels provided the whole exceeds not 5 s.

IV. The Justice shall keep a Record of all such Proceedings under the penalty of 10 s. half to the Poor; and half to the Informer.

V. All and every Judgment given by any Judge or Justice of Peace in this Island by virtue of any Laws heretofore made, and all proceedings thereupon, are hereby ratified and confirmed, and all Judges and Justices, and military Officers that have acted by the said Laws are hereby Indemnified, &c. and if any of them be sued, they may Plead the General Issue, and give this Act in Evidence.

L.

Laws, and Law-suits.

I. *ANNO 1682. Act 24. p. 72.* All Possessions of or Titles to any Lands or Houses whatsoever on valuable Considerations, are ratified, and confirmed to the present Possessors, if the said Possessors shall continue in them for the space of seven Years without any Claim or Interruption.

II. In all Writs of Escheat hereafter to be granted, the Provost Marshal shall inquire by a Jury the true value of an Estate which any Person dying without Heirs, was seized of, and after Office found and return'd into the supreme Court, and Judgment thereupon given and Recorded, the Governour, or Commander in chief, may grant the said Escheated Estate under the broad Seal of this Island.

III. Provided that a Clause be in the said Grant inserted, that if a right Heir appears and claims within 3 Years, the Grant to be void. And the value of the said Estate shall be secured to be paid into the Treasury by the Grantee at the end of 3 Years, in case no Heir Claims in that time, and in case there be an Heir then to be paid out of the Treasury to such Heir.

IV. All Bills of Sale and Conveyances, made by Husband and Wife and acknowledged before the Judge of any Court of Record in this Island, and recorded, shall be good and valid against the Claims of all Persons whatsoever, as if past by Fine and Recovery at *Westminster*.

V. Where any Improvement is made upon such escheated Lands as abovesaid, by the Patentee during the three Years, the Heir before his entring on the same, shall satisfy the Patentee his Charges and Interest for the same.

VI. *Act 26. p. 84.* All original Acts already made or to be made, shall be lodged in the Secretary's Office of Enrolments at *St. Fago de la Vega*. And the Secretary shall shew them to those who have occasion to view the same, and give Copies of them or any Clause in any of them, for which he shall be allow'd 8 *d.* per sheet, 16 lines to a Sheet, and 14 Words to a line. And he shall be allow'd for comparing and examining any Copy, containing the whole Body of the Laws, 40 *s.*

VII. The Secretary, or his lawful Deputy in his stead, shall give Bond with good Security of 4000 *l.* penalty, with Condition *that he shall well and faithfully execute the Offices of Secretary and Clerk of the Enrolments of this Island of Jamaica, and also faithfully keep and preserve in his said Office all and every the Acts of this Island, &c. and in all things else comply with the Duty of the said Office according to the Trust reposed in him, and according to the Laws of this Island.*

VIII. The said Secretary, nor his Deputy, shall nor Act in his said Office, till he hath given Bond as aforesaid, upon the penalty of 500 *l.* for every time of such acting, to be recovered in the supream Court of Judicature, by Bill, Plaint, &c. wherein no Essoign, &c. or *Non vult ulterius prosequi*, shall be allow'd, one half to the King, the other to the Informer or he that shall sue for the same.

IX. Which Bond and Security shall be sufficient to discharge him from entring into any other Bond required by any other Act.

M.

Militia.

I. *Anno 1682. Act 23. p. 64.* No Person from 15 to 60 Years of age, shall remain unlisted, in Foot or Horse, for the space of 6 Weeks, under Penalty of 40 s.

II. Every Foot-Soldier shall be provided with a well fixed Musket or Fusée, or a good Pike and Sword, or Lance and Pistol. Each Musketeer shall have when he appears, 6 Charges of Powder and one Cartouch Box. Penalty for not appearing 10 s, and for want of any due Accoutrements 4 s.

III. Every Horse-Soldier shall be provided with a good Horse of 10 l. value at least, with good Furniture, Pistols, Sword, and half a pound of Powder. Penalty 6 s. for want of any due Accoutrements, and 10 s. for each time of absence.

IV. Every Foot Soldier shall have at his Habitation 2 pounds of good Powder, and 6 pound of Bullet, and every Trooper at his place of abode, a well fixed Carbine, 4 pound of fine Powder, and 12 pounds of fizable Bullets, penalty 10 s. for each default.

V. A commission'd Officer shall not be compellable to List himself, by this Act, in any Company or Troop, or serve in any Capacity beneath his former Commission, unless such Person hath been degraded by a Court Martial.

VI. No Person listed shall depart without his Captains Licence, on penalty of 40 s. No Commander of a Company or Troop shall refuse to give a Discharge in writing to any that is removing his abode out of the Precincts, under Penalty of 5 l.

VII. In the Guards and night Watches at *Port-Royal* any Person listed may put a well armed Man in his Room except Commission'd Officers and Serjeants, who shall mount the Guards in their turns, in Person.

VIII. None shall refuse to be a Serjeant, Corporal, or Drummer, in the Company or Troop wherein he is listed penalty 5 l.

IX. Captains of Foot, or Horse, shall within 6 Months provide Drums and Colours, Trumpets, Trumpeters, and Banners, at their own Charge, under penalty of 10. l for every 6 Months they remain unprovided.

X. Colonels shall once a year make diligent Inquiry in their several Precincts, whether all be duly listed and equipped, on penalty of 100 l. And once every 2 Months, or oftner if occasion be, the several Companies and Troops in each Regiment shall meet and exercise. Only the Regiment on *Port-Royal* shall exercise, one Company every Week, successively.

XI. While the Officers and Soldiers are in Arms they shall observe and keep all the Laws and Articles of War, which the Commander in chief shall, in a General Council of War, establish, and give out Copies to be publickly read once every 6 Months.

XII. If any seek Revenge at any time, upon his superior Officer, he shall be punished by a Court Marshal, not extending to Life or Limb.

XIII. Every Captain shall once a Year give to his Field Officer, and he to his Commander in chief, fair written Muster Rolls.

XIV. If any inferiour Officer shall neglect or contemn the lawful Commands of his Superiour, he shall be punished by a Court Marshal, whose Orders in all military Affairs shall be binding.

XV. Any Person wounded or disabled in publick military Service, shall be cured and maintain'd out of the publick Revenue.

XVI. Any Person sued for any thing done in pursuance of this Act, may plead the General Issue, and give the Act in Evidence.

XVII. Upon apprehension and appearance of publick Danger or Invasion, the Commander in chief shall put the Martial Law in Execution, and command all things for publick Defence with full Power and Authority, by advice and consent of a Council of War. But upon Lodging the Colours and discharging the Soldiers from their Arms, the Martial Law shall cease, and the common Law revive.

XVIII. The Marshal or Deputy, shall not presume to arrest a Soldier within one Month after his Discharge, nor in his going or coming from the Place of Exercise, penalty 10 l. &c.

XIX. All Damages sustain'd by any Person or Persons by an Invasion, or drawing together the Forces of this Island, shall upon application to the Governour and Council, be reasonably valued, and forthwith paid out of the publick Revenue, which if deficient shall be supply'd by an Assembly.

XX. Fines imposed by this Act, and not otherwise disposed, if relating to any Person under the Degree of a Captain, shall go to the respective Captains to be levy'd by the Captains Warrant, &c. All other Penalties shall be levyed by the Provost Marshal, half to the King, half to the Informer.

XXI. Any Commission Officer of the Regiment on *Port-Royal*, may grant Warrants of Distress against any that neglect their Duty on the night Guards.

XXII. No Boat or Canoa shall pass the Fort at *Port-Royal* without giving notice to the Captain there, under the penalty of 20 s. And if the Captain hath reasonable Cause of suspicion, he may stop the said Boat, &c.

XXIII. No Person whatsoever shall fire any small Arms after 8 at night, unless upon Alarm or Insurrection, which is to be by the discharge of 4 Muskets or small Arms, distinctly. Offenders herein shall be punisht at the Discretion of a Court Marshal, not extending to Life or Limb.

XXIV. A Transgressor herein shall be apprehended by the next Commission Officer, under penalty of 5 l. and secured by the next Marshal, under penalty of 20 l.

XXV. None shall fire a great Gun after Sun-set, under penalty of 40 s. to be levyed by Warrant from the chief Officer, who not performing his Duty herein shall forfeit 10 l. This not to extend to the Kings Ships of War, who may fire one Gun for the setting of the Watch.

XXVI. Nothing in this Act shall diminish or abridge the Power of the Governour or Commander in Chief. Nor give him power to do any Act contrary to the known Laws.

XXVII. *Anno 1684. Act 7. p. 120.* A Night Guard shall be constantly and duly kept at the Town of *Sr. Jago de la Vega*, consisting of 3 Troopers with a Corporal and 6 Foot Soldiers with a Corporal, and who shall neglect his Duty herein shall be fined as is appointed for non appearance by the Act for settling the Militia, (*Sup. S. 2*

XXVIII. Any Officer in the Militia may Issue out Warrants for Levying Fines and Forfeitures upon any Person under the degree of a Captain, and direct the same to the Marshal of the Regiment, or to a Serjeant or Corporal.

XXIX. *Anno 1695. Act 11. p. 59.* The Justices and Vestry, or Major Part of them in all Parishes of this Island adjacent to the Sea, shall raise or cause to be levied such Sums of Money as shall seem necessary for maintaining Night-Watches, Guards, and Look-Outs, in such Places as shall seem most proper for serving the Inhabitants, and discovering and preventing the Approach of the Enemy.

XXX. Which Monies shall be taxed in such manner and form as the Parish-Taxes in the respective Parishes are or ought to be, and collected with the Parish Tax, and paid into the Hands of the Church-Wardens for the time being, who shall issue forth and pay the same to such Persons as are employ'd in guarding, &c. by warrant from the chief Officer of that Place.

XXXI. Every Person employ'd in Guarding, Watching, and for Look-outs, that shall neglect his Duty, shall be liable to such Pains and Punishments as if the Articles of War were at such time in force in this Island.

XXXII. The Constable shall retain to himself 1 s. in the pound for levying and collecting the Tax.

XXXIII. The Justices and Vestry-Men of the Parish of Vere, shall over and above such Money as shall be raised for maintaining Guards, &c. raise and cause to be levied such Money as shall appear necessary to reimburse such Persons as have deposited their Money for Guarding and Look-outs, according to a Subscription formerly made among the Inhabitants of the said Parish.

XXXIV. The Justices and Vestry, or Justices where there is no Vestry, shall assess, and levy such Sums of Money, for the erecting and Keeping of Beacons, and in such Places, as a Regimental Court Martial shall think fit.

XXXV. Every Justice of Peace and Church-warden that shall fail in the Execution of his Duty as aforesaid, shall forfeit 5 l. for such neglect, and every Vestry-man, or Constable the Summ of 40 s. the said Forfeiture to be recovered, if not above 40 s. before any Justice of Peace, and if above, in any Court of Record; half towards the maintaining the Guards and Look-outs in the respective

ctive Parish, and half to the Informer, or he that shall sue for the same.

XXXVI. This Act to continue in force during the present War with *France*, and no longer.

Ministers.

I. *Anno 1682. Act 20. p. 53.* Any 2 Justices in every Parish shall cause the Freeholders of such Parish to meet, yearly, on the second Tuesday in *January*, to choose 10 Vestry Men and 2 Church-wardens Conformists to the Church of *England*.

II. If the Freeholders do not appear, or do not choose as aforesaid, the Justices may within 10 Days after the time above mention'd, lay a reasonable Tax on the Parish, for maintenance of the Minister and Poor, and for erecting and repairing Churches, and making convenient Seats in them. Such as neglect their duty herein shall forfeit 5 *l*.

III. A Roll of the Tax so made shall be delivered to the respective Constables (with a Warrant signed by 2 Justices) to levy the same by distress, for which they shall have 1 *s*. per pound, &c.

IV. Churchwardens chosen as aforesaid shall undertake the Office, and receive and keep a good account of the Monies levied, and as often as required give a just and true account unto the Justices and Vestry-men of all their Receipts and Disbursements; penalty 5 *l*.

V. The Vestrymen and Churchwardens of the Parishes of *St. Dorothy*, and *St. Thomas* in the *Vale*, (chosen in manner aforesaid) shall lay a Tax, not exceeding 100 *l*. (over and above what shall be imposed on them by the Parish of *St. Catharines*) for the building Churches, to be levied as before is appointed.

VI. Justices and Vestry-men have power to enquire into Arrears of former Subscriptions and Taxes, and to levy the same.

VII. Ministers shall demand no fee for Christnings, Marriage, Churchings, or Burials, but such as shall be allow'd by the Justices and Vestry-men, under the penalty of 5 *l*. half to the Poor, half to him that shall sue for the same.

VIII. Where no distress can be made, an Action of Debt shall lie for Churchwardens, and Surveyors, to recover Assessments against Persons assess'd, in any Court or before any Justice of Peace. And the Assessment produced shall be sufficient Evidence.

IX. None shall be assess'd above 1 s. per an. for 100 Acres of Land, and so proportionably.

X. Persons aggrieved in such Assessments, may appeal to the Quarter Sessions, provided it be to the second next Sessions at farthest, where they may be relieved, if cause, but in no other Court.

XI. The Churchwardens of every Parish shall provide one fair bound Book, wherein the Minister shall register the Births, Christnings, Marriages, and Burials, of all Persons born, &c. in the said Parish, under penalty of 5 l. for every Default, and the Person registering shall receive as a Fee 15 d. and no more. Which Entries duly made shall be taken and deemed as an authentick Record. And to falsify, rase, or imbezel such Entries, or Books of Entry, shall be punisht, as the Laws of *England* provide against stealing, razing, or imbezeling Records.

XII. The one Moiety of the Penalties mentioned in this Act shall be to the poor of the Parish, the other to the In-former.

XIII. The Parish of *Port-Royal* shall pay to the Minister thereof 250 l. per an. *St. Catharines* 140 l. per an. *St. Thomas*, *St. Andrews*, and *St. Johns*, each 100 l. per an. and all the other Parishes in this Island each 80 l. per an. to their respective Ministers, as a constant yearly Salary; to be paid at their dwelling Houses every 6 Months without any defalcation, by equal portions. But none shall be capable to be presented to the said Benefices, and receive the Profits of the same, unless qualified according to the Canons of the Church of *England*, and in Deacon, and Priests Orders.

XIV. No Minister not duly qualified as aforesaid shall presume to marry any Persons, under the penalty of 100 l. one third to the King, one to the Poor of the Parish, and the other third part to him that shall sue for the same. And no Minister shall marry any Persons whose Banes have not been thrice publish'd in the Parish Church, or have a Licence from the Governour, under the like penalty, and to the same uses as aforesaid, or 12 Months Imprisonment.

XV. No Ecclesiastical Law or Jurisdiction shall have power to inforce or establish any Penal Mulcts or Punishment in any case whatsoever.

XVI. This Island shall stand and continue divided into these following 15 Parishes, *viz.* St. Thomas, St. David's, Port-Royal, St. Andrew's, St. Catharine's, St. Dorothy's, St. Thomas in the Valle, Clarendon, Vere, St. John's, St. George's, St. Mary's, St. Ann's, St. James's, St. Elizabeth's.

Money.

I. *Anno 1682. Act 21. p. 60.* Each single Spanish Dubloon, or French Pistol, shall pass for 20 s. currant Money, each single piece of Sevil, Mexico, or Piller, and French Crown for 5 s. a Peru piece of 8, for 4 s. and so proportionably.

II. To falsify, Diminish, wash, clip, file, or coin, any of the foresaid, or any other Monies, Current in this Island, shall be High Treason.

III. No Person whatsoever shall directly or indirectly take for the Loan of any Monies above the value of 10 l. for the forbearance of 100 l. for one year, and so proportionably.

IV. All Bonds, Contracts, and Assurances, for the payment of Monies lent, whereby there shall be received above the Rates of 10 per Cent. as aforesaid, shall be void. And whosoever shall take more, shall forfeit treble the value of the Money lent, one Moiety to the King, the other to him that shall sue for the same.

V. No Gold or Silver Smith shall work, sell, or change, any Wares of Gold less fine than 22 Carrats, nor Wares of Silver less in fineness than 11 Ounces 2 penny weight; nor without his own mark; upon pain of forfeiting the value of the thing so sold or exchanged, for not marking, and Treble the value for selling or exchanging any Gold or Silver Wares of less fineness than aforesaid. One half to the King the other to the Party grieved. Whosoever shall offend the second time shall, upon Conviction, stand one hour in the Pillory and lose his Ears.

N.

Naturalization.

ANNO 1684. Act 3. p. 103. The Governour or Commander in chief, by Instrument under the broad Seal of this Island, may make any Alien or Foreigner, settling and planting here, to be fully and compleatly naturalized, such Alien or Aliens first taking the Oath of Allegiance, and such Person so naturalized shall enjoy the immunities and Privileges of this Island in as ample manner as any natural born Subject.

II. The Governour or Commander in chief shall receive for the same 5 *l.* and his Clerk for writing 10 *s.* and no more; and no other Person any fee, on any pretence whatsoever.

III. Aliens who have formerly purchased here, and sold again, or else their Estates escheated, and granted, the Purchasers, &c. are confirmed in the Possession to their Heirs and Assigns forever.

P.

Plantations, vid. Cattel.

Port-Royal.

I. *ANNO 1682. Act 11. p. 32.* The Lands formerly belonging to Thomas Bun, on Port-Royal, and by his Attorney sold to diverse Purchasers, but the Letter of Attorney
not

not proved and Recorded, as the Law of this Island requires, ratified and made good to the Purchasers their Heirs and Assigns.

II. *Anno 1684. Act. 9. p. 124.* No Person whatsoever having Land on the South side of *Port-Royal* between *Christ Church* and the Sea, or at the East End of *Port-Royal* within 200 Foot of the Breast-work, shall presume to build any House or other Fabrick thereon, or if already built, they shall be pulled down.

III. All who have Land or Houses within the said Limits shall be paid for the same out of the Kings Treasury, according to their true value appraised by sworn Appraisers appointed in the Act, which Payment, or tender of Payment, in case of Refusal, shall be a good Bar against any title to any such Lands or Houses within the said Limits.

IV. *Anno 1695. Act 5. p. 29.* The Justices and Vestry of the Parish of *Port-Royal* or the Major part of them, may Tax and Levy such Sums of Money upon all and every the Freeholders of that Parish, as to them shall seem meet and convenient, for the Wharfing and securing the Town of *Port-Royal* towards the great Sea side.

V. They may also Tax and levy yearly such Sums of Money upon the said Freeholders, at such times as to them shall seem requisite, for repairing and maintaining the said Wharfs. And the Constables of the said Parish of *Port-Royal* shall gather the monies so taxed as aforesaid, and pay the same into the hands of the Churchwardens of the said Parish, deducting to themselves 4 *d.* in the pound for collecting the same. Constable neglecting his Duty herein, shall forfeit for every such Offence, 20. *l.*

VI. In case of Refusal the Monies may be levied by Warrant from any 2 Justices of Peace of that Parish, by Distress upon the Goods and Chattels of the Party refusing, and selling them by Outcry, returning the Overplus if any be.

VII. The Churchwardens of the said Parish shall pay the Money arising by this Act, to such Persons and to such uses, as the Justices and Vestry, or major part of them shall appoint, and keep a distinct Account of the said Monies, and give a true account thereof when required, and also deliver the full Balance to the succeeding Church.

Churchwardens, or such other Person as shall be appointed, under the penalty of 50 *l.* for every offence contrary to their Duty.

VIII. If any of the Freeholders of *Port-Royal* happen to be not residents or Inhabitants on the Place, an Action of Debt shall lie in any Court of Record or before a Justice of Peace, for the Churchwardens, against any of the said Persons assessed by virtue of this Act, their Heirs, Executors, Administrators, Assigns, Agents, or Attornies, for all such sums of Money so assess'd; and the Assessment produced shall be a sufficient Evidence for the recovery of the said Summs.

IX. If any Person seized, or interested in any Ground formerly built upon, and the Houses now destroy'd, at the times or by the means of the late dreadful Earthquake shall not within 3 Years next ensuing Build on the same, then the Judges of the Common Pleas of the said Parish, or any one of them, shall forthwith cause publick Proclamation to be made that the Persons concern'd rebuild the same within the space of 9 Months, and in case they refuse or neglect so to do, then any one of the said Judges shall cause the Provost Marshal to impanel a Jury of the said Parish, who shall upon their Oaths enquire, estimate, and assess the true Value of the said Ground, according to their Judgments; and after such Enquiry and Valuation, the said Judge or Judges may make sale of the Fee and Inheritance thereof by conveyance under his or their Hands and Seals, to any Person that will purchase the same at the Price valued by the Jury. The purchase Money to be paid into the hands of the Churchwardens of the said Parish, and by them paid to such Person or Persons who shall have any Estate or Interest in the same.

X. Which sale so made and Enrolled in the Office of Enrolments shall be final and conclusive to all other Persons whatsoever, and shall bar them, their Heirs, and Assigns, to claim any Title or Interest in the Grounds so sold Precedent to the said Sale. And the Purchaser shall hold the same free from all precedent Incumbrances, Title, or Charge, The Quit-Rents only excepted.

XI. The Receiver General, and Naval Officer, by themselves or Deputies shall keep their Offices on *Port-Royal*, as formerly; So also the Secretary of this Island, under

under the Penalty of 50 *l.* for every Month that any of them shall neglect so to do.

XII. The Fines and Forfeitures in this Act mention'd shall be half to their Majesties, and half to the Parish of *Port-Royal* for and towards the making and maintaining the Wharfs as this Act mentioned, to be recover'd in any Court of Record, by Action of Debt, &c. wherein no Essoign, &c.

Prisoners.

I. *Anno 1684. Act 7.* No Prisoner shall have the Benefit of the Act that provides *that poor Prisoners may be let to publick hire* (vid. *Courts and Proceedings*, S. 21.) until he or she have first delivered into Court a perfect List of all his or her Debts, Goods, and Monies in this Island, and assign the same to the Provost Marshal for the use of the Creditors, and also make Oath *that he or she hath delivered in a true and perfect List and hath not made over, conceal'd, or any ways secured any Goods &c. excepting 5 l. for necessary subsistence.*

II. The Goods, Debts and Monies, so assigned and delivered to the Provost Marshal, shall be by him accounted for and paid to the Creditors to be equally divided among them, as by the foremention'd Act directed.

Pirates.

I. *Anno 1682. Act 8. p. 19.* Felony for any Person belonging to this Island, to serve in *America* in an Hostile manner against any Foreign Prince, State, or Potentate, in Amity with the King of great Britain, without special Licence under the Hand and Seal of the Governour. And every such Offender being thereof convicted in the Supream Court of Judicature, shall suffer Death without benefit of Clergy.

II. This shall not extend to those who are now abroad in foreign Service, and shall return to this Island and leave such Service, before the first of *January* next, and give such Security as the Governour shall appoint, for their future Good behaviour; and not to depart the Island without the Governours Ticket.

III. All Treasons, Felonies, Piracies, Roberies, Murthers or Confederacies committed upon the Sea, or in any Haven, or Bay, where the Admiral hath Jurisdiction; shall be inquired, tryed, and adjudged within this Island. as if such Offence had been committed upon the Land. And to that end Commissions shall be under the great Seal of this Island directed to the Judge of the Admiralty for the time being, and such other Persons as by the Governour shall be named and appointed, who shall have full Power to do all things about the inquiring, hearing, adjudging, and punishing any the Crimes aforesaid, as any Commissioners under the great Seal of *England* appointed by *Stat. 28. H. 8.* are impower'd to do in *England*.

IV. All Tryals heretofore had against any such Criminals by virtue of such Commission or Authority and all Proceedings thereupon, are hereby ratified and confirmed, and the Judges and Officers indemnified.

V. All Persons who shall knowingly entertain, conceal, trade, or correspond with any Person that shall be deemed Privateer, Pirate, or other Offender within this Act, and shall not readily endeavour to apprehend or cause to be apprehended such Offender, may be prosecuted as Accessories and Confederates.

VI. All Commission Officers in their several Precincts shall, upon notice given that Privateers, Pirates, &c. are within their Precincts, raise such number of Men as needfull, seize, and carry them to the Gaol, and in case of Resistance, they may kill and destroy such Person or Persons, and all such as resist by striking or firing upon any of the commanded Party, shall be adjudged Felons without benefit of Clergy.

VII. Every Officer who shall omit or neglect his Duty herein shall forfeit 50 *l.* to be recover'd in any Court of Record in this Island, one Moiety to the King, the other to the Informer. And all Persons who upon Orders refuse to repair with his Arms to the place appointed, immediately, or not readily obey commands, shall be fined by a Regimental Court Marshal, at discretion.

VIII. Provided, that the Governours Assent to this Act shall not be construed to the determining this present Session of Assembly.

Q.

Quit-Rents.

I. *ANNO* 1682. *Act* 9. *p.* 23. A Patent under the great Seal of this Island, and recorded in the Office of Inrolments, shall Evidence the Patentees just Right and Title to all Lands, and Houses, &c. in the said Patent granted, and be a good Bar to the King, &c.

II. The Keeper of the Seal, or Chancellour, shall the next Tuesday before each Grand Court, cause all such Grants and Patents as are in Office, to be sealed at *St. Jago de la Vega*. And all inferiour Officers concern'd, are then and there to attend.

III. All Lands granted, or to be granted by the King, upon Surveys made, shall be good to the Patentee and Assigns, for all Lands within the survey, any misnomer, misbouding, mistaking of the Quantity, or other Error notwithstanding; and all such Grants shall be taken as strongly against his Majesty as the Grants of any other Person should or ought to be.

IV. Provided, where the King or Patentee are aggrieved by mistake in Quantity, a Re-Survey shall be made by one Surveyor indifferently sworn between both Parties. Upon which a Confirmation of the former Grant shall issue, reciting the Error, and reserving the same Rent as in the said Grant, according to the just Quantity found by the Re-survey. For which Confirmation the Chancellour shall receive 10 s. and the Clerk of the Patents 8 s. to be paid by the party requiring the Re-survey. No Retrospection shall be had of what Rent should have been paid, be it more or less.

V. If a Plot of a Survey being given into the Patent-Office varies from the Run and marked Lines, those Lines shall be adjudged the true bounds of the Lands granted.

VI. Land granted before the 25 of *June* 1671, shall for arrears and growing Rents, pay for every 30 Acres, 1 s. yearly, and so proportionably for every Parcel under

100 Acres, and for every 100 Acres 2 s. 6 d. and proportionably for a greater Quantity. And for all Lands from the foresaid time to the 12 of March 1674, one half penny per Acre: And for foot-Land, one half penny per foot Square, as a certain establish'd Quit-Rent and acknowledgment to his Majesty for ever.

VII. The Receiver of the said Quit Rents, shall yearly at the Feast of St. Michael, and Lady-day, keep his Office in the Towns of St. Jago de la Vega, and Port-Royal, one month in each Place, from the Hours of 8 to 11 in the forenoon, and 2 to 5 in the afternoon, then and there to receive the said Quit Rents from the Persons concern'd, and thereof to acquit and discharge them, on the penalty of 5 l. Sterling, one half to the King the other to the Informer.

R.

Rates and Prizes.

I. *Anno* 1682. Act 4. p. 13. None shall demand and receive for Meat any greater Rate or Price, than here limited, viz. for fresh Beef or Goat 4 d. per pound, for Mutton 6 d. to be weigh'd without the Heads, entrails, or Feet, and the Sewet shall be sold at no higher Rates than the Meats aforesaid; penalty 20 l. for every Offence.

II. If any Person shall refuse to sell Beef, Mutton, or Goat, by weight, he shall forfeit 20 l.

III. Who ever shall destroy any Turtle Nests, or take away any of the Eggs thereof, he shall forfeit 40 s. or receive as many Lashes on the bare Back as any Justice shall order, not exceeding 39, for every Offence. One third of the Money to the King, one to the Church Wardens of the Parish, and the other third part to the Informer, to be recover'd in any Court of Record, &c.

IV.

IV. *Act 7. p. 18.* All Vintners and Retailers of *Madera* Wines, or Brandy, that shall receive above 15 *d.* the quart for *Madera* Wine, and 2 *s. 6. d.* the quart for Brandy, and so proportionably, shall forfeit 40 *s.* for every Offence, to be levy'd by Warrant of any Justice of Peace where the fault is committed, half to the Church-Wardens, half to the Informer.

V. *Ann. 1695. Act 7. p. 37.* No Person upon any Pretence whatsoever; shall sell in any publick Market within this Island any fresh Beef; or Goat, for any higher price than 4 *d. per* Pound; Mutton, 6 *d.* Veal, Breast and Loyn 9 *d.* other parts 7 *d. ob.* Hog, weighing 12 Pound the quarter or under 7 *d. ob.* if weighing above 6 *d. per* Pound, Lamb or Kid, 7 *d. ob.*

VI. Meat brought into the Market to be sold for Veal, if weighing above 25 *l.* the quarter, shall be adjudged Beef; Lamb above 8 *l.* the quarter, shall be deemed Mutton.

VII. Lamb shall be brought into the Market with the Head on, and shewn before cut up, with the usual Signs of Distinction, that small Mutton may not be sold for Lamb.

VIII. No Person whatsoever shall sell Turtle or any of the foresaid Meats by retail, but in open Market, where they shall not refuse to sell the same by weight to any Person bringing ready Money, without imposing upon the Buyer, &c.

IX. The Place appointed by the Justices in Sessions for the selling the sorts of Meats in this Act mention'd, shall be deemed the publick Market Place, and the Market shall be adjudged open, upon ringing the Bell; which on Saturdays shall be at 3 in the afternoon, on all other Days, except Sunday, at 5 in the Morning.

X. All and every Person, whether Buyer, or Seller, or Officer offending against any particular in this Act, shall forfeit 40 *s.* for every such Offence, half to the Church-Wardens of the Parish, and half to the Clerk of the Market, or Informer, to be recovered before any Justice of Peace.

Register.

I. Anno 1682. Act 13. p. A Deed made in due Form of Law, and within 3 Months acknowledged, or proved by Oath, before the Governour, or one of the Judges of this Island, and the same Recorded in the Office of Enrolments, at *St. Jago de la Vega*, within the said three Months, shall be valid and pass the Estate without Livery, Seizin, Attornment, or any other Ceremony in the Law, and no Deed not so enrolled shall pass any Estate for above 3 Years.

II. Provided, old Deeds or Conveyances heretofore made of Lands or Houses, and omitted to be recorded, upon being acknowledged or proved, and recorded in the Office of Enrolments shall be effectual and of force.

III. If a second Sale or Conveyance of the same Land, be made by the same Vendor, and executed and recorded before the first, the last Vendee (if the Sale were for a valuable Consideration) shall enjoy the Land. And if any Vendee hath omitted to execute and enroll his Deed within the due Time, but shall at any time after have done the same, no second Sale being made by the Vendor; the same shall nevertheless be good to the Vendee, and a perpetual Bar to the Vendor.

IV. All Deeds and Conveyances made out of this Island, and remitted hither, and proved before the Governour, or a Judge as aforesaid; and all Deeds personally acknowledged before the Lord Mayor of London, and Court of Aldermen, and an Attestation thereof under the Seal of the City, and recorded here in the foresaid Office; within 6 Months after the Arrival of the Ship that brought the same, shall to all Intents and Purposes be good and valid.

V. Provided, if any Person here, lawfully impowered, shall in pursuance of that Power, make sale of any Lands, &c. to any Person within this Island, and the Deeds duly proved and recorded, before any Conveyance from the Proprietor be here produced, proved, or recorded; the Deed so made and passed here shall stand good and effectual.

VI. The Mortgagee having received the Money lent, shall at the Request of the Mortgager, enter Satisfaction on

the Margin of the Mortgage recorded in the Office of Enrolments, which shall be a perpetual Discharge and Releale of the same; and if such Mortgagee shall not within 3 Months after request and tender of his reasonable Charges, make acknowledgment of satisfaction, as aforesaid; he shall forfeit and pay to the Party grieved 50 *l.* to be recovered in any Court of Record, &c.

VII. The Judge before whom such Deeds or other Writings shall be made, may receive for every Deed of the Value of 20 *l.* or more, 10 *s.* if under the Value, 5 *s.* and no more. Penalty, 20 *l.* half to the King, half to the Informer.

VIII. The Clerk of the Enrolments may receive for enrolling and copying an ordinary Deed, or Patent, &c. 5 *s.* if longer than a Patent, 8 *d.* per sheet, 20 lines to a sheet, and 8 words to a line; for every short Writing, 1 *s.* for recording every Plot, 1 *s.* 3 *d.* for entering Satisfaction in the Margin of a Mortgage recorded, 1 *s.* 3 *d.* and no more. Penalty 10 *l.* to the Uses aforesaid.

IX. All Patents already granted shall be enrolled within 6 Months, and all hereafter granted shall be enrolled within 6 Months after the Sealing.

X. All Leases heretofore made, or to be made of any Orphan's Estate by his Guardian, during the Orphan's Minority and no longer, shall be good and valid in Law.

XI. Provided, this Act shall not abridge the Power given by the Parent to any Guardian; nor to empower any Guardian to lease the Estate of an Heire's longer than till she compleat the Age of 14 Years.

XII. The Clerk of the Enrolments, or whoever executes that Office, shall find 2 Sureties who with himself, shall be bound to the King in the Penalty of 2000 *l.* for the true and faithful Execution of that Office, and for the keeping the same in the Town of *St. Jago de la Vega*, which Bond shall be recorded in the Supream Court of Judicature, and kept by the chief Justice of the same. And whosoever after Publication of this Act, shall officiate in the said Office without giving such security as aforesaid, he shall forfeit 500 *l.* to be recovered in any Court of Record; one Moiety to the King, the other to the Prosecutor.

Relief.

Anno 1695. Act 14. p. 84. For the immediate Relief and Support of the poor distressed Inhabitants of this Island who suffered by the late Invasion of the *French*, the Summ of 1300 *l.* by a former Act ordered to be paid to Coll. P. B. and the Summ of 162 *l.* appointed to be paid into the Hands of Coll. E. S. for the Defence of *Fort-William*, &c. shall be forthwith employed for the Relief abovesaid, and for the Relief of the sick and wounded Persons in the late Expedition to *Wairlywood* against the Enemy, and to no other Use whatsoever. And the Clauses in the said Acts directing the Payment of the said Summs to the said Coll. P. B. and Coll. E. S. repealed. (*Vide Taxes, Sect. 120, 123.*)

Rivers.

I. *Anno 1682. Act 13.* The Governour shall issue out a Commission in the Nature of a Commission of Sewers, under the broad Seal of this Island, appointing 12 Freeholders out of the Parishes of *St. Andrews*, and *St. Catharines*; whereof 5 shall be a *Quorum*, who shall have Power to lay a Tax upon all such Persons who have Lands bounding upon the River *Cobre*, or Town-River that passeth by *St. Fago de la Vega*, or whosoever shall receive any Advantage by clearing the said River, or by turning the present Course of it some other Way, which shall seem most necessary.

II. The Limits of the said Tax shall extend upon all the Lands bounding on both sides the River, from *Com-Park* to the Mouth of the said River.

III. Every Commissioner shall be sworn to lay a reasonable Tax upon the Lands or *Negro's*, or both, and to the best of his Skill execute the said Commission. And whoever of the said Commissioners shall refuse to be so sworn, shall forfeit the Summ of 5 *l.*

IV. Whoever shall wilfully fell any Trees, and cast the same, or any Cane, Trash, or Rubbith into the same River, or any other River coming into the same, shall forfeit 5 *l.*

V. Both which Forfeitures shall be, one 3d. to the King, and the other 2 shall go towards the Expence of preventing the overflowing of the said River, or cutting a new Channel.

VI. Every Commissioner that shall meet and sit, shall for every Day of his sitting receive 5 s. towards his Expence, out of the Moneys levied.

VII. The said Commissioners or any 5, shall have full Power to survey and view the Lands that ule to be overflowed, and all the Lands and *Negroes*' within the Bounds and Limits aforesaid to tax, as well for the clearing the old Channel of the said River, or for making a new if necessary, as also for keeping it clear after it shall be cleansed, or turned: They shall also appoint Surveyors, Collectors, and Overseers, to levy, receive, and lay out the Moneys to be expended about the Premises, &c. and allow them reasonable Salaries.

VIII. The said Commissioners or 5 of them, may by Warrant under their Hands and Seals, command the taking of any Cart, Wain, or *Negroes*, of any Person within the Bounds and Limits aforesaid, to help in the Work; provided the Owners of such Carts, &c. are not then making Sugar, and that they take not above 5 *Negroes* for a Week out of the same Plantation, and that the Owners of the said *Negroes*, Carts, &c. shall be allowed reasonable Hire for the same.

IX. The said Commissioners or 5 of them shall give Warrants to levy the Moneys asselt, by Distress and Sale of Goods, and in default of such Distress, to sue the Factors or Attorneys of such as have Lands within the said Limits.

X. Constables, &c. shall be aiding and assisting in levying the said Taxes, and shall have 12 d. in the Pound for so doing.

XI. If any Action be brought against any Person for any thing done by Authority of this Act, he may plead the General Issue, and give this Act in Evidence, and the Defendant shall have treble Damages for his wrongful Vexation.

XII. If any new Channel be cut through any Persons Land for the Conveyance of the said River, all such Damage as he receives thereby shall be valued by 5 or more of the Commissioners, and satisfaction made out of the Moneys levied. And whatsoever Lands shall be

reco-

recovered, by means of draining what is now overflown, it shall belong to the first Proprietor,

XIII. This Act to continue in force for the Term of five Years and no longer.

S.

Salt.

I. *ANNO* 1684. *Act* 14. p. 150. *Sir Charles Modyford*, Bar. his Heirs, Executors, &c. shall yearly furnish each Family or Plantation in the Parishes of *St. Catharines*, *St. Thomas* in the Vale, and *St. Dorothy's*, according to a Note of each black or white belonging to the said Family, with Salt; the Master, Mistress, or Overseer of such Family desiring the same, and tendering their Money at the Court-house in *St. Jago de la Vega*, from the 5th Day of *January*, to the 16th of the same, viz. 1s. per Bushel, not exceeding half a Bushel per Head; so that the whole exceed not 5000 Bushels for the said Parishes.

II. Such Parishioners that neglect to make their Claim as aforesaid, and those claiming and settling their Proportion of Salt, from the Salt Ponds of the said *Sir Charles*, between the first of *May*, and last of *August*, yearly; they shall lose the Benefit of this Act for that Year.

III. For every Bushel of Salt duly claimed and demanded, and not delivered at the Salt Ponds, the said *Sir Charles*, his Heirs, &c. shall forfeit and pay to the Parties grieved 2s. to be recovered by Warrant of any Justice, if not exceeding 40s. otherwise in any Court of Record, wherein no Injunction, Protection, or Wager of Law shall be allowed.

IV. If the said *Sir Charles*, his Heirs, &c. shall sell or dispose of any Salt, before he hath delivered, or secured, such Quantities as shall be claimed, and paid for as appointed by this Act, he or they shall pay to the Parties

ties grieved 5 s. for every Bushel, wanting to compleat their respective Parcels, any Act, Deed or Patent to the contrary notwithstanding.

S.

Seamen, &c.

I. *Anno 1695. Act 3. p. 20.* All Persons shall be and are hereby acquitted, Pardoned, and Discharged, against their Majesties and all others whatsoever, from all Penalties incurr'd by serving under the *French King*, and of all Crimes and Offences (Treason and Murder excepted) and of all Depredations by Sea or Land, and all Misdemeanours committed before 1693, and of and from all Penalties and Pains for the same.

II. All Persons that have committed Piracy or Robbery by Sea, (and not Murder, or Treason) that shall come hither and submit themselves within 10 Days after their Arrival, and give Security for their future good Behaviour, shall by Virtue of this Act, receive from the Commander in chief, their Majesties gracious Pardon under the great Seal of this Island, for which Pardon the Parties to whom it is extended shall pay the Summ of 40 s. and no more, as a Fee to such Officer as shall be appointed to receive the same.

III. The Attorney General, or any other Officer whatsoever, who shall directly or indirectly exact any Summ of Money of any Person to whom such Act of Mercy is extended, shall forfeit the Summ of 100 l. half to their Majesties, and half to the Party injured, to be recovered in any Court of Record, &c. where no *Essoin*, *non Pres.* &c. shall be allowed.

IV. This free Pardon shall be as good and effectual in Law to the Persons before mentioned, as if the Offences had been specified, and pardoned by proper and express Words and Names, and shall be as largely and beneficially understood as may be for the Advantage of the Parties intended to be pardoned.

V. All Persons that shall come and reside here, and claim the Benefit of this Act, and be employed in the Service of this Country in the Privateering Trade, or otherwise, shall be protected and excused from the Payment of their Debts contracted before their coming hither, or their going off from hence, for 5 Years. During which time all Actions, Arrests, Process, Suits, Judgments, Executions, and all Prosecutions whatsoever, against them, shall be suspended, and respited, during the said time, and no longer. But after the Expiration of the said 5 Years, the said Persons shall not plead the Statute of Limitations.

VI. If any Suit, or Action, hereby, suspended, shall be commenced or prosecuted, every Person so sued may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff shall be Non-suit, discontinue, or a Verdict pass against him, the said Plaintiff shall for ever forfeit and lose his original Debt so sued for, and besides pay the Debt double Costs and Charges.

VII. Provided, no Person shall take any Benefit or Advantage by this Act, who shall not within 20 Days after his Arrival cause his Name to be entred in the Office of Enrolments for this Island, and claim and demand the Benefit of the same; which Entry and Claim shall be as effectual as if the said Person had been herein expressly named, and an attested Copy of the said Entry and Claim shall be pleaded in any Court, and of as much Authority, and Force, in the Law as this present Act, or a special Pardon under the broad Seal.

VIII. The Secretary or Clerk of the Enrolments shall not refuse to make such Entry, and Claim as aforesaid, and give an attested Copy thereof, or take more than 15*d.* for such Entry, and the Copy thereof, under the Penalty of 10*l.* to him who shall sue for the same.

IX. The Clause in the Act against Privateers and Pirates, whereby it is enacted that all Persons who shall entertain, conceal, or trade with any Person deemed a Privateer, or Pirate, and shall not readily endeavour to apprehend such Offender, shall be liable to be prosecuted as Accessories and Confederates (*Vide* Pirate, *Sect.* 5.) repealed and annulled.

Servants.

I. *Anno 1682. Act 2. p. 3.* Every Master of Slaves, for the first 5 working Slaves, shall be obliged to keep one white Man-servant, Over-seer, or hired Man, for 3 Months at least, and for 10 Slaves 2 Whites, and for every 10 more, One; to be resident in the Plantation where the Negroes are employed. On Penalty of 5 *l.* for every Servant wanting of the Proportion aforesaid, to the Use of the Parish.

II. All Masters and Owners of Slaves who shall not truly inform the Constable, when required, of all their hired Men or Servants, and working Slaves, belonging to them or under their Care, shall forfeit the Summ of 20 *l.* one third Part to the King, one to the Church-Wardens to the Use of the Parish, and the other to the Informer. And every Constable that shall neglect his Duty herein by not demanding an Account every 6 Months, and returning the same to the next Quarter-Sessions of that Precinct, shall for every such Default forfeit 20 *l.* to the same Uses as aforesaid.

III. All Servants shall serve according to Contract, and where there is none, Servants under 18 Years of Age at their Arrival in this Island shall serve 7 Years, and above 18 shall serve 4 Years; and all convicted Felons for the Time of their Banishment; and at the End of such Times shall receive from their Master or Employers 40 *s.* and a Certificate of their Freedom; and he that refuses such Certificate shall forfeit 40 *s.*

IV. Whoever shall employ any free Person without a Certificate from the last Employer, shall forfeit 10 *l.*

V. None shall presume to trade with any Servant, or Slave, without the Master or Mistresses Consent, on Penalty of forfeiting trebble the Value of the thing traded for, and 10 *l.* to be recovered by the Master or Mistress in any Court of Record. And all Contracts with Servants or Slaves shall be void.

VI. If any Servant, or hired Labourer, shall lay violent Hands upon his or her Employer, or Over-seer; such Servant or Labourer shall, upon Conviction, serve without Wages 12 Months, by Order of any Justice of Peace.

VII. A hired

VII. A hired Labourer or Servant that shall embezel, purloin, or waſt his or her Employer's Money or Goods, ſhall ſerve or make ſatisfaction at the Diſcretion of any Juſtice of Peace, if above the Value of 40 s. they ſhall ſerve 2 Years without Wages, and further in Caſe that Time will not ſatisſie. If they purloin, &c. from any other than their Owners, they ſhall ſerve the Party injured as aforeſaid, after their Time expired with their preſent Owners.

VIII. If a Freeman get a Woman-ſervant with Child, he ſhall upon proof by the Woman's Oath, give good Security to ſave the Pariſh harmleſs, and alſo forfeit and pay to the Maſter, or Miſtreſs of ſuch Servant 20 l. and provide for the Maintenance of the ſaid Servant and Child. And in Caſe of Failure herein, he ſhall ſerve the Maſter or Miſtriſs double the time the Maid was to ſerve at the time of the Offence committed, or procure one to ſerve in his ſtead.

IX. If one Servant get another with Child, the Man-ſervant ſhall ſerve the Maſter or Miſtreſs of the Woman-ſervant double the Time ſhe had to ſerve at the time of the Offence committed.

X. If a Man-ſervant marry without his Maſter or Miſtriſs's Conſent, he ſhall ſerve 2 Years for the Offence; but if a Freeman marry a Servant, he ſhall pay to the Maſter or Miſtriſs 20 l. and his Wife ſhall be free.

XI. All Suits between Servants and their Maſters relating to their Freedom, ſhall be heard and determined by 2 Juſtices of Peace without any Appeal.

XII. Servants abſenting from their Service, without Leave or a Ticker, ſhall for every Day's abſence, ſerve 1 Week, and ſo proportionable for a longer time, the whole not exceeding 3 Years.

XIII. If any turn away a ſick or infirm Servant, and ſuch Servant ſhall die for want of Relief, or become chargeable to any Pariſh, the Offender ſhall forfeit 20 l. to the Uſe of the Pariſh where ſuch Death or Charges ſhall happen. But if any Servant through wilful Miſbehaviour, happen to have the *French-pox*, Yaws, or any other Diſeaſe, broken Bones, Sickneſs, Impediment or Imprisonment; he, or ſhe, ſhall ſerve double the Time thereby neglected; and alſo for all Charges occaſioned by reaſon thereof at 10 s. per Month, after their firſt

Time expired. Also Masters and Mistresses who receive unjust Molestation by Complaints or Suits at Law, shall have the like Remedy for their Expence and loss of Time.

XIV. No Servant shall be whipt naked without order from a Justice of Peace, on Penalty of 5 *l.* to be recovered by the Party injured in any Court of Record.

XV. Whosoever shall not give to each white Servant weekly, 4 Pounds of good Fleish, or good Fish, with such convenient Plantation Provision as may be sufficient, shall forfeit to the Party injured 10 *s.* for each Offence: And not yearly give to each Servant 3 Shirts, 3 Pair of Drawers, 3 Pair of Shoes, 3 Pair of Stockings, 1 Hat or Cap, and to Women proportionably, shall forfeit to the Party injured 40 *s.*

XVI. No Master, &c. shall suffer to be buried any Christian Servant till the Body shall be received by some Justice of Peace, Constable, or Tithingman, or 2 such Neighbours as they shall appoint: Penalty 20 *l.* Unless the Party died 10 Miles from any Justice, &c. and hath been viewed by 2 of the next Neighbours, or 2 of the same Family, or that the Justice, &c. hath not come within 6 Hours after notice. And whoever upon notice given and request made, shall not within 4 hours repair to view, or on the view finding any suspicious Signs of unlawful Death, shall not forthwith give notice to the Coroner or to the next Justice of Peace, he shall forfeit 10 *l.*

XVII. Whoever shall entertain a Servant, knowing him to be so, shall for every Day and Night after the first, forfeit 5 *l.* but not knowing him to be a Servant, 20 *s.* so that the whole exceed not treble the value of the Servants time remaining to be secured. This Clause not to extend to Servants by Contract made in this Island, nor to such as carry with them a Certificate of their Freedom, attested under the Name of a Justice of Peace, though the same be false or forged, but such Forger, Falsifier, &c. shall be set in the Pillory, and lose his Ears upon Conviction.

XVIII. Who ever shall entertain a Servant any time, if during the said time the Servant be drunk, Trade, or Game, the Entertainer shall forfeit the Summ of 20 *s.* half to the Parish, half to the Informer.

XIX. If

XIX. If a Servant or hired Labourer hide or entertain another man's Servant or Slave, he shall forfeit one years Service to the Master or Mistress of such Servant or Slave, or have 39 Lashes on the bare Back, at the Election of the Parry injured.

XX. No Person shall Ride, Load or Carry on his Employers Horses, Cattle, Carrs, or Carriages, (or suffer the same to be done) any Goods others than his Masters or Mistresses, without their Consent: Penalty 3 Months Service for every default.

XXI. All Constables and Tithingmen shall be diligent in Searching for and apprehending runaways, on Penalty of 20 *l.* for every neglect ; and upon apprehending, the Servant shall be conveyed to the Master or Mistress, if known, on penalty of 40 *s.* if not known, to the next Common Gaol. The bringer to be paid by the Master, or Mistress, or Gaoler, 8 *d.* per Mile, so as the whole exceed not 40 *s.* Which the Gaoler shall pay under the penalty of 40 *s.* and keep the Runaway till the Master, &c. refund to him the said Summ, and 2 *s.* 6 *d.* per pound for disbursing the said Money, as also 6 *d.* for every 24 Hours that the Runaway hath been in his Custody. But if he suffer such Runaway to Escape, before he be duly delivered to his owner, he shall pay such Damages as shall be given by a Jury at Common-Law.

XXII. Any one may take up any suspected Persons, and carry them before any Justice to be examined.

XXIII. The Captain, or other Commissioned Officer, shall yearly Publish this Act, at the head of their respective Company or Troop, under Penalty of 5 *l.*

XXIV. The Fines and Penalties of this Act, not otherwise declared, shall be one Moity to the King, the other to the Informer, to be recovered, if not exceeding 40 *s.* before a Justice of Peace ; if above in any Court of Record wherein no Essoign, &c.

XXV. No Person shall be sued, molested, or troubled for any Fine or Forfeiture upon this Act, unless within 2 years after the Offence committed.

XXVI. *Act 12. p. 33.* No Merchant, Master, or Importer of white Servants, shall presume to sell any such, before they have been 10 days imported: Penalty 10 *l.* for every one so sold, half to the King, and half to the Informer.

XXVII. The

XXVII. The Masters of the Ship shall not disembark them during the said 10 days, under the Penalty aforesaid. During which time the Factor or Seller shall pay the Master for their Diet.

XXVIII. The Master or Commander of any Ship or Vessel that shall import the Number of 50 white Male-servants, shall, upon due Proof thereof, be for that Voyage freed from paying any Port-charges for the said Ship or Vessel wherein the said Servants were imported.

XXIX. Debts contracted for Servants sold within this Island, may be recovered by Warrant from any Justice of Peace, as Debts not exceeding 40 s. (*vid Justice of Peace.*)

After the 25 of *March* next, no Cooper or Porter in this Island shall use any *Negro* Slaves in their Trades or Occupations, under penalty of 20 l. for every such offence, to be disposed as aforesaid. Except Masters of Sugar Works who may make Cask at their Plantations, or other convenient Place, as heretofore.

Ships and Vessels.

I. *Anno* 1684. *Act* 1 p. 88. The Master of every Ship or Vessel, before they trade, or Land any Goods within this Island (living Creatures excepted) shall give Security in the Secretaries Office, with one sufficient Freeholder or well known Merchant, in the Summ of 1000 l. not to carry off any Person without the Governour's Ticket; nor depart himself without the Governour's leave, under the Penalty of 50 l. one third part to the King, one third to the Governour, and one third to the Informer.

II. Provided, Masters of Sloops and Vessels trading to and from Ports in this Island, or in Turtling, or Fishing, need to give such Security but once every year. And Masters of any Vessels belonging to the Inhabitants of this Island shall be obliged to give such Security but once in 6 Months.

III. The Secretary shall not deliver any Person a Ticket under the Governors hand, to go off the Island, unless his name hath been set up 21 days at the Secretaries office both at *St. Jago de la Vega*, and at *Port-Royal*, and the said

said Person shall also bring one or more of good Credit to make affidavit before a Justice of Peace, that he hath known him or her to go by that Name, for one Year, or so long as he or she hath lived in the Island. Which Affidavit shall be filed in the Secretary's Office. Or otherwise the Secretary shall take good security for the Payment of such Persons Debts so departing. On default of so doing the Secretary shall be liable to satisfy the Creditors of such Person himself.

IV. Provided, if the said Bonds are not sued within 2 Years after the Date, they are hereby declared null and void.

V. The said Bonds shall be taken in the King's Name, but shall be to the only Use, and in Trust for the Persons concerned. And when put in suit, the Judgment shall be in the same Nature as the Bonds were.

VI. No Execution shall issue thereupon before the Party aggrieved shall sue out a *Scire Facias* against the Defendant, to shew Cause why Execution should not issue; and if the Plaintiff in the *Scire Facias* shall duly prove what Damages he hath sustained, and a Verdict thereupon, the Judge shall award Execution for so much as the Jury shall find. And the former Judgment shall still remain cautionary for the satisfaction of such others as shall legally prove themselves damaged, &c.

VII. The Secretary or his Deputy shall keep his Office both at *Port-Royal*, and *St. Jago de la Vega*, and due Attendance shall be given at both Places, on all Days except Sundays, and such Holy-days as are usually observed in this Island. Under the Penalty of 20 *l.* one Moiety to the King, the other to the Informer.

VIII. *Act 4. p. 104.* No Person employed in any Shallop, Boat, Wherry, or other Vessel, shall demand for Transportation more than the Rates following; from *Passage-Fort* to *Port-Royal*, *Salt Ponds*, or *St. Andrews*, in the Day 2 *s.* 6 *d.* and in the Night 3 *s.* or of every Person 6 *d.* He that refuses to carry at that Rate shall forfeit 20 *s.* to the Poor of the Parish. The Freight of Goods between the said Places 3 *d.* per Hundred, &c.

IX. From the North-side of the Island to any Part of the South-side, 1 hundred Weight 2 *s.* Barrel 3 *s.* Hogshead 8 *s.* every Head of great Cattel alive 10 *s.* a Sheep or Hog 1 *s.* every Passenger 2 *s.*

X. From

X. From *Port-Royal* to *Port-Morant*, or *Richardson's Bay*, 9 d. per Hundred, 5 s. per Hogshead, for Wood 10 s. per Tun, every Passenger 1 s. 6 d.

XI. From *Port-Royal* to *St. Davids* 6 d. per Hundred, 4 s. per Hogshead, every Passenger 1 s. for Wood 10 s. per Ton.

XII. From *Port-Royal* to *Point Negril*, and *Point Pedro* 18 d. per Hundred, 6 s. per Hogshead.

XIII. From *Aligator-Pond*, *Milk-River*, and *Carlisle-Town*, to *Port Royal* 1 s. per Hundred, &c. From *Old Harbour* 6 d. per Hundred.

XIV. He that demands greater Rates than set down in this Act shall forfeit 10 l. for every Default, one half to the King, the other to the Informer.

XV. No *Negro*, *Indian*, or *Mulatto*, shall be permitted to row in any Wherry, or Canoo without one white Man. And all Boats, Wherries, and Canoos shall be chained, and their Sails and Oars secured every Night. The Master or Owner of any Wherry offending herein, shall forfeit 10 l. to be disposed as aforesaid.

XVI. Masters and Owners of Wherries, &c. shall have 6 Months time to furnish themselves with white Men.

XVII. Traders about the Island shall every time they arrive at *Port-Royal*, leave an Account of their Lading at the Naval Office. Which shall be a sufficient Entry and Discharge, if their Loading be nothing but the Growth and Production of this Island.

XVIII. Whosoever shall be indicted and convicted of the stealing or taking away any Shallop, Boat, Wherry, Canoo, or other Vessel, from any Part of this Island, or shall be consenting, aiding or assisting to the same, shall be adjudged guilty of Felony.

XIX. If the Intention and complotting of any Person, so to do, shall evidently appear by Proof or Confession, he shall be condemned by the Justices at the Sessions to pay the Summ of 10 l. to the King. Which if not presently paid, the Justices shall expose the Offender to publick Sale for the Payment thereof, not exceeding 4 Years: If the Party be a Servant he shall be ordered to be whipt on the bare Back, not exceeding 39 Lashes, and after the Time expired with his Master, Mistress, or Employer, be sold for 4 Years.

XX. No Seaman belonging to any Ship shall be trusted for any thing, and whoever trusts or retains any of them in his House, shall lose his Money, and be also proceeded against, and Subject to the Penalties as for retaining other Men's Servants (excepting Matter of Trade.)

Vide Servants, S. 17.

XXI. If any Victualler or Retailer of Liquors, trust any Sea-faring Man, not generally residing in this Island, above the Value of 40 s. though he have a Bond for the same, he shall lose his Money.

XXII. If any Commander entice away any Seaman belonging to another Ship before he be lawfully discharged, he shall forfeit, 15 l. half to the King, and half to him that shall sue for the same.

XXIII. All Warrants from Justices of Peace against any Person aboard any Ship within the Precincts of *Port-Royal*, shall be directed to the Provost Marshal, or Deputy, or any lawful Constable of the Place, who are hereby impowered to execute the same, and for so doing to receive 3 s.

XXIV. Whatsoever Seaman shall desert the Ship he belongs to, and shall be found after the Departure of the said Ship, and cannot produce sufficient Proof of his being discharged by the Commander thereof, he shall by Order of any one Justice of Peace receive 31 Lashes on the bare Back by the Common Hangman, or other inferior Servant.

XXV. No Person whatsoever without leave of the Chief Officer upon *Port-Royal*, shall go on Board any Ship at her entering into Harbour, till the Marshal or his Deputy hath first been on board with the Master, and brought him on shoar to the Chief Officer: Penalty 40 s. half to the Informer, half to the Poor of the Parish.

XXVI. Nor shall any Person whatsoever treat about any Merchandize or Commodity to the Value of 10 s. nor any Quantity of Freight till the Master hath been with the Governour, or such other Officer as he shall appoint, under the Penalty of 50 l. one half to the King, the other to the Informer.

X. From *Port-Royal* to *Port-Morant*, or *Richardson's Bay*, 9 d. per Hundred, 5 s. per Hoghead, for Wood 10 s. per Tun, every Passenger 1 s. 6 d.

XI. From *Port-Royal* to *St. Davids* 6 d. per Hundred, 4 s. per Hoghead, every Passenger 1 s. for Wood 10 s. per Ton.

XII. From *Port-Royal* to *Point Negril*, and *Point Pedro* 18 d. per Hundred, 6 s. per Hoghead.

XIII. From *Aligator-Pond*, *Milk-River*, and *Carlisle-Town*, to *Port Royal* 1 s. per Hundred, &c. From *Old Harbour* 6 d. per Hundred.

XIV. He that demands greater Rates than set down in this Act shall forfeit 10 l. for every Default, one half to the King, the other to the Informer.

XV. No *Negro*, *Indian*, or *Mulatto*, shall be permitted to row in any Wherry, or Canoo without one white Man. And all Boats, Wherries, and Canoos shall be chained, and their Sails and Oars secured every Night. The Master or Owner of any Wherry offending herein, shall forfeit 10 l. to be disposed as aforesaid.

XVI. Masters and Owners of Wherries, &c. shall have 6 Months time to furnish themselves with white Men.

XVII. Traders about the Island shall every time they arrive at *Port-Royal*, leave an Account of their Lading at the Naval Office. Which shall be a sufficient Entry and Discharge, if their Loading be nothing but the Growth and Production of this Island.

XVIII. Whosoever shall be indicted and convicted of the stealing or taking away any Shallop, Boat, Wherry, Canoo, or other Vessel, from any Part of this Island, or shall be consenting, aiding or assisting to the same, shall be adjudged guilty of Felony.

XIX. If the Intention and plotting of any Person, so to do, shall evidently appear by Proof or Confession, he shall be condemned by the Justices at the Sessions to pay the Summ of 10 l. to the King. Which if not presently paid, the Justices shall expose the Offender to publick Sale for the Payment thereof, not exceeding 4 Years: If the Party be a Servant he shall be ordered to be whipt on the bare Back, not exceeding 39 Lashes, and after the Time expired with his Master, Mistress, or Employer, be sold for 4 Years.

XX. No Seaman belonging to any Ship shall be trusted for any thing, and whoever trusts or retains any of them in his House, shall lose his Money, and be also proceeded against, and Subject to the Penalties as for retaining other Men's Servants (excepting Matter of Trade.)

Vide Servants, S. 17.

XXI. If any Victualler or Retailer of Liquors, trust any Sea-faring Man, not generally residing in this Island, above the Value of 40 s. though he have a Bond for the same, he shall lose his Money.

XXII. If any Commander entice away any Seaman belonging to another Ship before he be lawfully discharged, he shall forfeit 15 l. half to the King, and half to him that shall sue for the same.

XXIII. All Warrants from Justices of Peace against any Person aboard any Ship within the Precincts of *Port-Royal*, shall be directed to the Provost Marshal, or Deputy, or any lawful Constable of the Place, who are hereby empowered to execute the same, and for so doing to receive 3 s.

XXIV. Whatsoever Seaman shall desert the Ship he belongs to, and shall be found after the Departure of the said Ship, and cannot produce sufficient Proof of his being discharged by the Commander thereof, he shall by Order of any one Justice of Peace receive 31 Lashes on the bare Back by the Common Hangman, or other inferior Servant.

XXV. No Person whatsoever without leave of the Chief Officer upon *Port-Royal*, shall go on Board any Ship at her entering into Harbour, till the Marshal or his Deputy hath first been on board with the Master, and brought him on shoar to the Chief Officer: Penalty 40 s. half to the Informer, half to the Poor of the Parish.

XXVI. Nor shall any Person whatsoever treat about any Merchandize or Commodity to the Value of 10 s. nor any Quantity of Freight till the Master hath been with the Governour, or such other Officer as he shall appoint, under the Penalty of 50 l. one half to the King, the other to the Informer..

Slaves.

I. *Anno 1684. Act 7. p. 119.* No Master of any Ship or Vessel shall presume to carry off this Island any Slave or Slaves, without a Ticker under the Governour's Hand, wherein shall be inserted the Owner's Name; who shall make Oath before a Justice of Peace, that the said Slave or Slaves is his or hers, &c. upon forfeiture of double the Value of such Slaves so carried off without Ticker, one half to the King, the other to him that shall sue for the same. For which Ticker the Secretary shall receive 2 s. 6 d. for his Fee, but shall insert as many in the same as the Owner of the Slaves shall require.

II. *Act 13. p. 140.* None shall give leave to any Negro-slave, except such as wait upon their Person, or wear Liveries, to go out of their Plantations, without a Ticker or White-servant, in which Ticker is to be expressed their Name, from whence, and whither going, on Penalty of 40 s. and paying for taking up as Run-aways. And whosoever shall not apprehend a wandering Negro-slave in his Plantation (except as before qualified) and not punish him by moderate whipping, shall forfeit 40 s.

III. If a Negro-slave strikes any Person, except in Defence of his Owners Person or Goods, he shall for the first Offence be severely whipt by Order of a Justice of Peace; for the second, by the like Order, be severely whipt, his or her Nose slit, and Face burnt in some Place; and for the third Offence, left to 2 Justices, and 3 Free-holders to inflict Death, or what other Punishment they think fit.

IV. All Men-slaves shall have Drawers and Caps, and Women Petticoats, once every Year.

V. No Slave shall be free by becoming a Christian, but shall as to the Payment of Debts be accounted Chattels. And where other Chattels are not sufficient so many Slaves, as necessary, shall be sold for Payment of Debts. In all other Cases Negroes and Slaves shall be taken as free-hold, and descend accordingly.

VI. No Person whatsoever (except the Provost Marshal at the Gaol of St. Jago de la Vega) shall keep any Run-

Run-away-slave above 10 Days. Nor shall the Provost Marshal, or any other, employ any such, or suffer any to want convenient Food and Water: Penalty 40 *l.* If any such die in their Custody for want of Food or Water, or convenient Lodging, the Person in whose Custody such *Negro* was, shall pay the Owner 50 *l.* to be recovered by Action of Debt in any Court of Record in this Island.

VII. Whoever shall take up a Run-away-slave, shall bring him to his proper Owner, if known, and receive for their Pains 1 *s.* per Mile for the first 5, and 8 *d.* per Mile for all over, the whole not exceeding 40 *s.* If the Owner is not known he shall be delivered to the Marshal, upon Pain of forfeiting 20 *l.* for every Day he shall keep such Slave beyond the said 10 Days.

VIII. The said Taker-up shall set up an Account of his own Name and Place of Abode, with a particular Description of the Slave in his Custody, at *St. Jago de la Vega*, and *Port-Royal*, on Penalty of 200 *l.*

IX. The Marshal shall enter the said Account in a Book, and take a Receipt from the Person to whom he delivers any Run-away.

X. In case the Marshal shall refuse to make Payment for the taking up of a Run-away slave, any Constable by a Justice of Peace's Warrant, may levy the Value thereof by Distress and Sale of the said Marshal's Goods.

XI. The Marshal may detain and keep in Custody all such Run-aways brought unto him, till the Owner pay him the full Summ which he paid for them, 2 *s.* 6 *d.* per Pound for his laying out the Money, and 6 *d.* for every 24 Hours such Slave hath been in his Custody. If the said Marshal suffer any such Slave to escape, to be employed, and to be out of his Custody, before he shall be delivered to the Owner, he shall forfeit to the Owner 50 *l.*

XII. All Owners of Slaves shall cause their Slave's Houses to be diligently searched over every Fortnight, for Clubs, wooden Swords, and mischievous Weapons, and finding any, cause the same to be burnt. Also upon Request, search for stoln Goods, and Flesh not honestly come by. Things found and suspected to be stoln, shall be seized, and a Description in writing sent to the Clerk of the Parish, or next Court, who shall give notice thereof,

thereof; and the Owner making due Proof that the Goods belong to him, shall have them, paying the Clerk 1 s. for his Publication. The Party that refuses to restore such Goods to the Owners shall forfeit 20 l.

XIII. If any Slave shall take up a Run-away, he, or she, shall have the whole Benefit thereof; and if any deprive the Slave of the said Benefit, he shall forfeit treble the Value.

XIV. No Person whatsoever shall attempt to steal, or carry off any Slave, on Penalty of 60 l. And he that actually doth it shall be guilty of Felony, without Benefit of Clergy.

XV. Any Person may ruinate and destroy any Plantation deserted for the Space of 2 Months, lest it become a Recepracle for Fugitives.

XVI. Upon Complaint of any hainous and grievous Crime committed by any Slave, as Burglary, Robbery, burning of Houses, killing or stealing of Cattel, &c. the Justices shall issue out their Warrants, and upon probable Proof, the Offender shall be committed or bailed as the Case shall require. And 20 Justices shall issue their Summons to 3 sufficient Free-holders appointing a Day and Place, when and where the said Justices, and the 3 Free-holders, shall hear the Matter, and if upon Evidence the Party appears guilty, they shall give Sentence of Death or such other punishment as the Crime by Law deserveth, and by their Warrant cause immediate Execution to be done. But if the Crime shall not deserve Death, they shall adjudge the Criminal to the Party injured, and Heirs for ever (after corporeal Punishment) unless the Owner of the Slave shall pay to the Party injured such Summ of Money as the said Justices and Free-holders shall appoint. And if any Justice or Free-holder shall neglect his Duty herein, he shall forfeit 20 l.

XVII. If any of the said Crimes be committed by more than one Negro, that shall deserve Death, one of the Criminals, only, shall suffer Death, as Exemplary, the Rest returned to the Owners, which Owners shall bear proportionably the Loss of the Negro put to Death, and pay proportionably the Damage done by the said Criminal to the Party injured; and any of them shall refuse to pay his Part allotted, the Justice and Free-holders aforesaid shall issue their Warrant to raise the same by Distreis, and Sale of the Goods and Chattels of the Person so refusing.

XVIII. E-

XVIII. Every Commission Officer shall, upon Notice given him of the Haunt, or hiding Place of any Run-away *Negroes* raise a Party of Men, not exceeding 20 and with them pursue, apprehend, and take the said Run-aways alive or dead. Whatsoever Commission-Officer shall neglect his Duty herein shall forfeit 20 *l*.

XIX. If any Slave commit Murder, rise in Rebellion, or make any Preparation of Arms, Powder, &c. or Conspire for that end, he shall be tried by two Justices, and three Freeholders, with Judgment and Execution in like manner as before expressd. And if any Person shall make away or conceal any *Negroes* suspected of the foresaid Crimes, and not upon demand bring forth the suspected Party he shall forfeit 100 *l*.

XX. The Marshal shall give an Account at every Sessions, of what *Negroes* he hath in Prison at *St. Jago de la Vega*, and *Port-Royal*, with their Marks and Seals, and the time they have been in their Gaol, in Writing, on Penalty of 100 *l*. for every default.

XXI. All Owners of Plantations shall have at all times one Acre of Ground well planted with Provisions for every five *Negroes*, and so proportionably, under the Penalty of 40 *s*. for every Acre wanting.

XXII. No Master or Owner of Slaves shall let out any Slave for Hire, to work upon *Port-Royal* as a Common Porter, penalty 20 *l*. for every offence.

XXIII. If any Slave by punishment from his Owner for running-away, or other Offence, suffer in Life or Limb, none shall be Liable to the Law for the same; but who ever shall kill a Slave out of Wilfulness, wantonness, or Bloudy mindedness, shall suffer three Months Imprisonment, and pay 50 *l*. to the Owner of the Slave. If the party so offending be a Servant he or she shall have on the bare Back 39 lashes, and also (after the expiration of the term with his or her Master, or Mistress) shall serve the Owner of the deceased Slave the full term of 4 Years.

XXIV. If any Person kill a Slave, Stealing or running away, or found by Night out of his Owners Ground, Road, or Common Path, such Person shall not be subject to any Damage, or Action for the same.

XXV. A *Negro* taken stealing Wood in Boat or Canoo's, and thereof convicted, shall be condemned to serve the Owner of the Land where the offence was

Committed, 6 Months, without any Satisfaction to the Owner of the Slave.

XXVI. All Masters of Boats, Wherries, and Canoo's plying at *Port-Royal*, shall give their own Bonds of 50 *l.* not to carry any *Negroes* without a Ticket (except as before, S. 2.) Which bonds shall be taken the in Kings name and Proceedings thereupon in such manner as is appointed in an *Act requiring Masters of Ships to give Security, &c.* (*vid.* *Ships and Vessels*, S. 6.) The Secretary, in whole Office the Bonds shall be recorded may take one Shilling for each Bond, and no more.

XXVII. If such Masters of Boats, &c. shall not within 40 Days give such Bonds to the Secretary, they shall forfeit 40 *s.* for every week after.

XXVIII. This *Act* shall be read in all Parish Churches by the Clerk yearly, the first Sunday after Christmas day, and first after Midsummer, and where there are no Churches, by the Clerk of the Peace of the Precinct, every other Sessions. Penalty 5 *l.* for each default

XXIX. Penalties mentioned in this *Act* and not otherwise declared, shall be recoverd before a Justice of Peace, if not exceeding 40 *s.* if more, by Action of Debt, one Moiety to the King, the other to the Informer.

Slaves, &c.

XXX. *Anno 1695. Act 15. p. 88.* All Servants who receive no Salary, which shall do any good Service against the Enemy, the *French*, and can prove the same before the Commissioners, shall forth-with be freed; and the said Commissioners shall upon Enquiry value and appraise the time the Servant had to serve, and give him a Certificate mentioning his name, and the Parry to whom he belongs, with the Summ the Owner ought to receive for him, which being entered in the Secretaries Office, shall be a sufficient Testimony of the Servants Freedom, and a good Proof for the Owner to recover the Summ he was appraised at.

XXXI. All Slaves that have or shall, during this War with *France*, do any remarkable good Service against the Enemy, and make proof thereof before the said Commissioners, shall be freed; The said Commissioners shall give such Slave a Certificate mentioning his name and to whom

whom he belongs, and the Price he was appraised, and valued at (which is not to exceed 50 *l.*) and the same being entered in the Secretaries office, shall be a sufficient discharge of his Slavery, and a Proof for the Owner to recover his value, which as well for Servant as Slave, so set free, is to be paid out of the Money to be raised for that Purpose.

XXXII. Upon Proof made before the said Commissioners of any *Negro* or Slave killed in Service, during the War, the Owner shall receive such Summ of Money as the Commissioners shall think fit, not exceeding 50 *l.*

XXXIII. If any Owner or Over-seer, shall hinder any Servant or Slave from repairing to the Commissioners to make their Pretensions and claim their Freedom, he shall forfeit the Servant or Slave, who shall be made free, and no Satisfaction given.

XXXIV. *Richard Loyd, Francis Rose, James Banister, Thomas Bindlos and John Walters*, Esquires, or any three of them, are appointed Commissioners to hear and determine Claims by vertue of this Act, to administer Oaths, to issue out Warrants for Persons to attend and give Evidence and to Imprison for three Months such as refuse to obey their Warrants; and their determination concerning Freedom of any Servant or Slave signified under their Hands and Seals shall be final, and without Appeal.

XXXV. *Nicholas Laws, Edward Stanton, Modiford Freeman, Josiah Heathcote, and James Bradshaw*, Esquires, or any three of them, are appointed Commissioners, to here and determine the like Claims in the Parishes of *Kingston, St. Andrews, St. Davids, and St. Thomas to Windward*, in the same manner, with like Power and Authority as is given to the Commissioners afore-mentioned.

XXXVI. The Commissioners first above mentioned (S. 34.) or any three of them shall meet on *Thursday, 9th of August 1694*, at *St. Fago de la Vega*, and so every Thursday for 6 weeks following, and then to adjourn as they think fit.

XXXVII. The other Commissioners mentioned (S. 35) or any three of them shall meet at *Kingston Thursday 9th of August 1694* and so every Thursday for 6 weeks following, and then adjourn as they think fit.

XXXVIII. And all Marshals and Constables are hereby required to give their attendance, and execute the orders

orders of the Commissioners, and the Secretary, to keep a Book wherein to enter the Certificates of Freed Servants and Slaves, taking 15 *d.* for his Fee, and no more.

XXXIX. All Accounts for Provisions furnish'd to their Majesties for Man and Horse, for Publick Work, for materials for Fortifications, and all other matters relating to the defence of this Island, shall be stated and adjusted by *Samuel Lewis*, and *John Walters Esquires*, at *St. Jago de la Vega*, *Charles Whittle*, and *Charles Sadler*, at *Port-Royal*; *Edmund Edlin*, and *Samuel Foxley*, at *Kingston*; and a Certificate under the Hand and Seal of any one of them shall be sufficient to entitle the Party concerned to receive the Money due to him, without further Proof.

XL. This Act to continue in force during the present War with *France*, and no longer.

Surveyors.

I. *Anno 1684. Act 5. p. 111.* None shall Act as a Surveyor-General, before he hath given Security in the Summ of 4000 *l.* for the faithful performance of his Office and Trust, which Bonds shall be kept and recorded in the Secretaries Office, and Damages recovered thereon in such manner as directed in the *Act requiring Masters of Ships to give Security*, &c. (*vid. Ships and Vessels, S. 5. 6.*)

II. Provided, any Person may survey and resurvey any Land where the King is not Party, but where he is, only the Surveyor-General, or such as are authorized by the Governour shall survey.

III. The Surveyor-General, or other Person lawfully authorized, as a foresaid, shall execute every Order or Warrant directed to him for surveying within a Reasonable time, *viz.* within the Parishes of *St. Catherines*, *Port-Royal*, or *St. Andrews* within one Month, and in the most Remote Parishes in the Island, within 6 Months, upon Penalty of 100 *l.* for every such default, one Moiety to the King, the other to the Party aggrieved or him that shall sue for the same.

IV. If any cause the Surveyor to take a Journey, and when he comes to the place assigned, the Party shall not be there ready to shew him the Land to be surveyed, he shall pay the Surveyor 10 *s.* *Per diem*, for every day he shall so lose.

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V. The Surveyor General or his Deputy shall keep his Office at *St. Jago de la Vega*, under the penalty of 50*l.* to the uses aforelaid, and shall there attend from eight to eleven in the forenoon, and from two to five in the Afternoon, except Sundays and Holy days, under the Penalty of 40*s.*

VI. A Power left in the King and his Officers, to re-examine the Surveyors for what concerns his Majesty.

VII. *Art 6. p. 113.* No Surveyor shall deliver any Plat, before he hath himself actually surveyed and measured the said Land on every side, where accessible, and seen the Lines made, and corner Trees marked, and inserted a Scale of the same, under the Penalty of 50*l.* for every default.

VIII. The Surveyor before he run upon any Land already taken up, shall give notice thereof to the Owner or Possessors of the same, if he know them, if not to the two next Neighbours, under penalty of 20*l.*

IX. No Surveyor shall survey or lay out any Land to pass the broad Seal of this Island, for his own use, but shall employ some other Surveyor to do it, under penalty of 50*l.*

X. All Surveyors who have given Plats whereby any Parcel of Land hath passed the broad Seal of this Island without actual Surveying on all sides where feasible, shall on request to them made at any time, compleat a former Survey, according to the Plat by them given running Lines, and marking Trees according to Custom; but no Surveyor is obliged to resurvey or cut Lines in Lands that have been Patented more than 4 years. Surveyors that upon request shall deny, refuse or delay to rectifie Errors in such manner as aforelaid, shall forfeit for every three Months delay, 20*l.* half to the King, half to the Informer.

XI. Every Surveyor when an order for Survey is offered him, shall immediately take a Memorandum of the place, time and particulars, and writing the same on the Back of the Order, shall Survey the Land accordingly. And if he hath received an order already which he believes is for the same Land, he shall then declare the same, and shew the order if required, under the penalty of 40*l.* for every default.

XII. Every Surveyor shall return 2 Plats upon every Survey to the patent-Office, one to remain there, the other to be affix to the Grant.

XIII. The Clerk of the Patents shall accordingly fix one of the Plats to the Grant, and keep the other in the Office without Imbezelment; and the Secretary shall record the Plat next to the respective Grant or Patent. The Clerk of the Patents may receive for writing an Original Patent 10 s. and no more. And the said Clerk, and Secretary, offending against any Clause of this Act, he or they so offending shall forfeit 20 l. for every offence.

XIV. Every Surveyor, Clerk of the Patents, or other Person having in his Possession any Original Plat, shall on request give a true Copy of the same, for 2 s. 6 d. Penalty 40 s. One half to the Church-Wardens for the use of the Poor, the other to the Party complaining.

XV. Every Surveyor may receive 3 d. per Acre for Surveying any quantity of Land, and no more.

XVI. Every Surveyor before he Acts shall give Bond with sufficient Surety, in the Summ of 300 l. for the true and just performance of his Office, under the Penalty of 50 l. The Bond to be kept in the Secretaries Office, to be put in suit (if occasion be) in the same manner as is declared, *Tit. Shups and Messers, S. 6.*

XVII. If the Surveyor General keep his Office, and perform his Duties as herein required, he may imploy Deputies as formerly, but his Bond of 4000 l. shall remain Cautionary for Security both as to himself and his Deputies.

XVIII. If any Person having an Original Plat in his Custody, shall not return the same into the patent Office, by the 10th of March next, he shall upon due Conviction forfeit 100 l.

XIX. All Penalties in this Act mentioned, and not otherwise directed, shall be one half to the King, the other to him that shall sue for the same, in any Court of Record, wherein no Essoign, &c.

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Taxes.

I. *Anno* 1684 *Act* 7. p. 121. The Surveyors of the Highways in the several Parishes, shall upon any suddain and extraordinary Occasion of repairing the same, represent it to the Justices of the respective Precinct, who shall thereupon lay a Tax upon the Inhabitants of the said Precinct of such Money, Labour, or other things, as shall seem necessary for the Immediate repair of the said Ways.

II. *Act* 12. p. 129. For the repairing of Forts, and defraying many necessary Charges in and about the Government of this Island, an Impost is granted to the King of Liquors and Goods imported, *viz.* upon all *Spanish* and *Madera* Wines, 4 *l.* per Tun; Wines of the Western Islands, or mixture therewith, 10 *l.* per Tun; *French* and *Rhenish* Wines, 3 *l.* per Tun; Brandy, 1 *s.* per Gall. *English* Spirits, 3 *d.* per Gall. Bear and Sider, 8 *s.* per Tun; Mum and Metheglin, 40 *s.* per Tun; White Sugar, 10 *s.* per Hundred; Muscovados and Panial Sugar, 6 *s.* per Hund. *Indico*, 6 *d.* per pound, Tobacco, 2 *d.* per Pound, Ginger, 10 *s.* per Hund. Rum, 1 *s.* 6 *d.* per Gall. *Cacao*, 10 *s.* per Hund. and so proportionably.

III. Importers shall within 20 days after Landing, make up Accounts and give Bonds of double the value, and thereupon shall be allowed 10 per Cent. for Leakage, and shall pay one 3 *d.* part at the end of 2 Months from the making up such Accounts, one 3 *d.* part at the end of the 4th Month, and the remainder at the end of the 6th Month.

IV. Every Hogshead of Wine or other Liquor that shall not have 7 Inches or above left therein, and a Butt or Pipe 9 Inches, shall be accounted for outs, and the Importer pay no Custom for it.

V. Liquors

XII. Every Surveyor shall return 2 Plats upon every Survey to the patent-Office, one to remain there, the other to be affixt to the Grant.

XIII. The Clerk of the Patents shall accordingly fix one of the Plats to the Grant, and keep the other in the Office without Imbezement; and the Secretary shall record the Plat next to the respective Grant or Patent. The Clerk of the Patents may receive for writing an Original Patent 10 s. and no more. And the said Clerk, and Secretary, offending against any Clause of this Act, he or they so offending shall forfeit 20 l. for every offence.

XIV. Every Surveyor, Clerk of the Patents, or other Person having in his Possession any Original Plat, shall on request give a true Copy of the same, for 2 s. 6 d. Penalty 40 s. One half to the Church-Wardens for the use of the Poor, the other to the Party complaining.

XV. Every Surveyor may receive 3 d. per Acre for Surveying any quantity of Land, and no more.

XVI. Every Surveyor before he Acts shall give Bond with sufficient Surety, in the Summ of 300 l. for the true and just performance of his Office, under the Penalty of 30 l. The Bond to be kept in the Secretaries Office, to be put in suit (if occasion be) in the same manner as is declared, *Tit. Shps and Vessels, S. 6.*

XVII. If the Surveyor General keep his Office, and perform his Duties as herein required, he may employ Deputies as formerly, but his Bond of 4000 l. shall remain Cautionary for Security both as to himself and his Deputies.

XVIII. If any Person having an Original Plat in his Custody, shall not return the same into the patent Office, by the 10th of *March* next, he shall upon due Conviction forfeit 100 l.

XIX. All Penalties in this Act mentioned, and not otherwise directed, shall be one half to the King, the other to him that shall sue for the same, in any Court of Record, wherein no Essoign, &c.

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III. Importers shall within 20 days after Landing, make up Accounts and give Bonds of double the value, and thereupon shall be allowed 10 per Cent. for Leakage, and shall pay one 3 *d.* part at the end of 2 Months from the making up such Accounts, one 3 *d.* part at the end of the 4th Month, and the remainder at the end of the 6th Month.

IV. Every Hogshead of Wine or other Liquor that shall not have 7 Inches or above left therein, and a Butt or Pipe 9 Inches, shall be accounted for outs, and the Importer pay no Custom for it.

V. Liquors

V. Liquors that prove bad, &c. shall be Surveyed (if controversie happen) by Warrant from the Naval Office, which shall be returned upon Oath.

VI. Such importers as make not up their Accounts within 10 days (being thereunto required) shall lose the Benefit of the 10 per Cent. for Leakage, and the time given for payment. And if the Receiver be put to sue for the same, the Defendant shall pay treble Damages.

VII. If the Master when he makes his Entry in the Naval Office owns to have imported Madera Wines, he or the Boat-swain shall make Oath, *that the Wines taken in at the Island of Madera, and that he doth not know but the said Wines are of the growth of that Island without any mixtures, &c.* If he refuse to make such Oath, the Wines shall be taken to be of the growth of the Western Islands, and shall pay accordingly.

VIII. Liquors and Goods exported within a year after Importation shall be allowed a draw-back of half what was paid for Custom, which the Collector or Receiver shall repay or discount, under the Penalty of Double the Summ to the Party grieved.

IX. All Ships and Vessels coming from the Northward of the Tropick of Cancer, shall pay for every Tun such Vessel contains one Pound of Gunpowder, every time they arrive, but such as Trade Southward of the said Tropick shall pay the like once a year and no more. The Collector shall receive the said Duty in *Specie*, and not Money, or other thing, in lieu thereof, Penalty 20 l.

X. Goods Landed without the Presence of the Collector or other appointed by him, before Entry made, payment of the Duty, or Bond given, after Sunset and before Sunrising, with intent to defraud the King of his Customs, shall be forfeited; two thirds to the King, and one third to the Informer or Seizer, to be recovered in any Court of Record. And all Persons shall be aiding and assisting to the Receiver, Informer, Discoverer, and Seizer herein.

XI. The Receiver and his Agents, may by Warrant from any Justice of Peace and with a Constable, search any House, Cellar, Ware-house, and Shop, for concealed Good and Liquors, which being found shall be forfeited and condemned, provided the search be within three days after Information.

XII. The

XII. The Collector or his Deputy shall attend at his Office from 9 to 11 in the morning, and from 2 to 4 in the Afternoon, upon penalty of 20 *l.*

XIII. Such as have Licence to sell and retail any strong Liquors, shall pay for the said Licence, and every year renewing 5 *l.* to the King. And such as presume to sell without Licence, shall forfeit for every such Offence the Summ of 10 *l.*

XIV. Such as come to Settle in this Island, and bring Rum, Sugar, Tobacco, &c. for their own Conveniency, shall declare the same upon Oath at the time of Importation, or make the same appear within three Months after arrival, by some Visible Effect; in such case the said goods shall not be chargeable with any Duty or Customs except only what he shall sell and dispose of which must pay as in other cases.

XV. All the Kings Quint-rents, and all the Revenue hereby granted, shall be applied and appropriated to the Support of the Government of this Island, and the contingent Charges thereof, and to no other use.

XVI. The Summ of 1250 *l. per An.* arising as aforesaid shall be annually paid and appropriated to the repairing, building, and Rebuilding, his Majesties Forts and Fortifications in this Island.

XVII. The Collector or Receiver-General shall charge the 1250 *l.* so appropriated as aforesaid, in a distinct Book of accounts, which Book shall be free and open at all office-hours for all Persons to view, without fee; And the said receiver-General shall, when required by the Governour, Council, or Assembly, give in upon Oath a true account of the Disbursements out of the said 1250 *l. per An.*

XVIII. The said Receiver-General shall, with sufficient Security, enter into Bond of 5000 *l.* penalty (to be kept and recovered in the Secretaries office) with Condition truly to account for all such Money as shall come to his hands, and well and truly pay the Summ of 1250 *l.* yearly by Warrant of the Governour and Quorum of the Council towards the repairing and building Fortifications, &c. And in case the said Collector or Receiver-General shall Act in the said Office longer than 20 days without giving such Security as aforesaid, or shall misapply any part of the said 1250 *l.* he shall for every such Offence forfeit the Summ of 2500 *l.* one half to the King, the other to him

him that shall sue for the same, in any Court of Record, wherein no Effoign, Injunction, Wager of Law, or *Non Prof.* shall be allowed.

XIX. The Collector, Receiver or Deputy, shall not pay any part of the said 1250 *l. per An.* or any Summ arising from the Quit-Rents, or by Virtue of this Act, without a Warrant under the Governour's Hand and Seal. And if the said Collectors, &c. shall pay any Moneys contrary to the true intent and meaning hereof, or if any other Person or Persons shall misapply any of the Moneys so appropriated us afore said, the Offender shall forfeit and pay treble the Summ so mispaid.

XX. All Forfeitures and Penalties in this Act mentioned, and not otherwise disposed of, shall be one half to the King for the support of the Government, and contingent Charges; the other half to the Informer, to be recovered in any Court of Record, &c.

XXI. This Act shall continue in force for the Term of 21 Years, and no longer.

XXII. *Anno 1695. Act 2. p. 5.* For and towards the buying or hiring, victualling, and manning 2 good Sloops of War, each carrying 50 Men, to be employed for 6 Months, towards guarding the Sea-coasts, and cruising, &c. and also for and towards the raising of 2 Parties, each of 10 Soldiers and 2 Officers, for 6 Months, towards the reducing rebellious *Negroes*.

XXIII. Enacted that the Summ of 4303 *l. 3 s. 9 d.* be assest, taxed, and laid by the Justices and Vestries, or where no Vestries, by the Justices of that Parish or Precinct, on all and every Person, within their several and respective Precincts, by an equal and just Tax, according to the several Rates and Proportions following.

XXIV. For every *Negro, Indian, or Mulatto* Slave, to be paid for by the Owner or Possessour 1 *s. 6 d.* For every Horse, Mare, Colt, Mule, Ass, and Neat Cattle 7 *d. ob.* For Sheep, Lambs, Goats, Kids 2 *s. 6 d. per Score.*

XXV. All Over-seers and hired Servants shall be assest 6 *d. per Pound* upon the Wages they receive *per An.* All Handicrafts and Tradesmen shall be rated according to the Direction of the Justices and Vestry in the several Parishes where they reside.

XXVI. In

XXVI. In the Parish of *Port-Royal*, there shall be assessed and levied 1 s. in the Pound on all Rents, to be paid by the Tenants, and allowed by their Landlords, and upon the several Inhabitants for their Trades, Occupations and Callings. And also on all Persons residing at the Town of *St. John de la Vega*, 1 s. in the Pound to be paid by the Tenants, and allowed by the Landlords, &c. And the like for those residing at *Kingston*, to be rated by the Justices of the Parish of *St. Andrews*.

XXVII. The Jews residing in this Island shall pay, over and above the Tax as afore assessed, the Summ of 750 l. to be rated, assessed, collected, and paid by *Solomon Ararii*, *Jacob de Leon*, *Moses Toiro*, *Jacob Mendez Gutierrez*, *Jacob Henriques*, *Jacob Rodrigues de Leon*, *Moses Jesurun Cardoso*, &c. or any 5 of them, to the Receiver or Receivers appointed by this Act. And in case of Failure, the said Jews shall incur the further Payment of 250 l. which whole Summ, amounting to 1000 l. the Treasurer or Treasurers appointed by this Act, may cause to be levied upon the Jews inhabiting within this Island by Distress, &c.

XXVIII. If any of the Jews appointed to assess and collect the foresaid Summ, shall neglect his or their Duty therein, the Governour by Warrant under his Hand and Seal, directed to the Provost-Marshal, may cause to be levied on the Person so offending 100 l. by Distress and Sale of his Slaves, Goods and Chattels, and in case no Distress can be found, then to take into Custody the Body of the Person so offending, till payment.

XXIX. The Justices shall deliver to the Constables within their respective Parishes, and Precincts, a Roll of such Assessments as aforesaid, so that the Collection be made within 2 Months after the 10th of *June 1693*. with a Warrant under the same, empowering the said Constable to levy the same, and pay it into the Hands of the Church-Wardens, or where no Church-Wardens, into the Hands of the Justices of that Parish, deducting 4 d. per Pound for collecting, except in the Parishes of *Port-Royal*, and *Kingston*, where it shall be done *gratis*. Which said Church-Wardens shall pay the same to the Receiver.

XXX. The Justices, or any 2 of them, shall empower the Constables, upon refusal or delay of Payment, to distrain upon the personal Estate of the Person refusing

ling or delaying, and forthwith sell the same at publick Outcry, retaining to themselves 1 s. in the Pound for such Distress, and return the Overplus, if any be.

XXXI. The Justices and Vestries in their several Precincts, shall with all possible Speed, after the passing this Act, proceed to the Discharge of their Duties. If any Justice, Vestry-man, Constable or Church-Warden, shall wilfully fail in his Duty, in such case the Justice shall forfeit 50 l. any of the other 20 l. for every such Offence.

XXXII. All Owners of Slaves, Horses, or any Sorts of Cattle; Tradesmen, and hired Men whatsoever, shall give a just and true Account upon Oath to the best of their Knowledge, at such times as the Justices shall direct, of all Slaves, Horses, or other Cattle, Rents, Trades, and Callings, as are belonging to them (Jews only excepted.)

XXXIII. If any Person whatsoever shall refuse either by himself, Over-seeer, or Pen-keeper, to discover upon Oath the true Number of their Slaves, Horses, &c. It shall be lawful for the Justices and Vestry to tax such Person according to their Discretion.

XXXIV. Whosoever shall advance and lend any Summ of Money upon the Security of this Act, shall receive for the Loan of the same after the rate of 12 l. 10 s. per Cent. *per An.* for the time he shall be in disburse of the said Summ.

XXXV. Which Sum or Sums so lent on the Credit of this Act, shall by the Receiver, on the first payment of Money that shall be paid into the Receivers hands by Virtue of this Act, be forth-with repayed to the Person or Persons so lending the same, their Executors or Administrators with the Interest of the same. And all other Sum or Sums that shall be laid out or paid by the Receiver, about the two Sloops, and two Parties for reducing rebellious *Negroes* as before mentioned, shall be paid by the Receivers, without Fee or Charge.

XXXVI. Colonel *Charles Knights*, Colonel *Thomas Clarke*, Captain *Lancelot Talbot*, Captain *Robert Wardlow*, *William Hutchinson*, Esq; Captain *Josiah Heathcote*, and Captain *Thomas Clark*, shall be Receiver or Receivers, of the Moneys raised by this act; and shall by advice and consent of the Lieutenant Governour, or Commander in chief, buy or hire two substantial Sloops fit for War, and Equip,

Equip, fit, and Victual the same for 50 Officers, Seamen and Soldiers, in each. The Captains of which Sloops shall be Commissioned under the Hand and Seal of Sir *William Beeston* the Lieutenant Governour; each of which Captains to have for his pay 6*l.* per Month. He shall likewise appoint by his Warrant, for each Sloop, a Master at 4*l.* per Month; a Boat-swain, and Gunner, 3*l.* per Month each; a Chirurgion, and Carpenter, 4*l.* per Month each. Who shall raise and enlist by pressing or otherwise, the full number of men, who shall be paid each man 40*s.* per Month, out of the Moneys raised by this Act.

XXXVII. Which said Captains shall be required by their Commissions and Instructions that they take care from time to time, to their utmost Abilities, to Guard the Coasts of this Island, by constant cruising, and looking out both Windward and Leeward, North and South sides of this Island, as they shall be directed.

XXXVIII. The said Colonel *Charles Knights*, and *Josiah Heathcote*, Esq; shall be Treasurers to receive and pay all such Money as shall come to their hands, for Wages of Officers, Seamen, and Soldiers, &c.

XXXIX. The said Sloops as soon as provided, equipped, and Victualled shall be forth-with dispatcht out to Sea, to Cruise about this Island as a foresaid.

XL. The Receiver or Receivers shall keep a distinct Accompt of the Money raised by this Act; and of all payments by this Act required, and render a true Accompt when demanded, to the Lieutenant Governour and Council; and to the Assembly when sitting, and required.

XLI. If the said Receiver or Receivers shall divert or misapply any of the said Moneys, contrary to the Intent and Meaning of this Act, he or they so offending shall forfeit to their Majesties double the Sum so diverted or misapplied.

XLII. All and every the Articles and orders mentioned in the Act of Parliament made 13 Car. 2 ch. 9. For better governing his Majesties Navies, Ships of War, and Forces at Sea, shall be duly put in Execution, observed and obeyed, on board the said Sloops of War, and are hereby declared to be the Law of this Island.

XLIII. For

XLIII. For Encouragement of the Officers, Seamen and Soldiers on board the said Sloops, all Vessels by them taken from the Enemy, and not belonging to this Island, are hereby given them : But Slaves, Vessels or Goods belonging to their Majesties Subjects of this Island, if retaken, shall be returned to their respective Owners.

XLIV. The Parties above mentioned, to be raised for subduing the *Rebellious Negroes*, in case of Misdemeanours shall be Subject to the Punishments prescribed in the Articles of War as when Martial Law is in force. And the Captain of each Party shall receive for his pay 4 *l.* per Month, each Serjeant 50 *s.* per Month, and each Soldier 40 *s.* per Month to be paid by the receiver or receivers, without Fee.

XLV. Those employed on board the said Sloops, shall receive for Salvage, for all Vessels, Slaves, and Goods of this Island, by them retaken, one 6th part of the value of the Vessels, Slaves, &c. so retaken, which shall be divided among the Officers, Seamen and Soldiers, proportionably to the pay each Person receives.

XLVI. Those that go out in the Parties to reduce the *Negroes* shall receive from the Treasurers for every rebellious *Negro* that shall be killed, bringing in his Head to any Justice, 40 *s.* for every *Negro* taken and brought in alive, and not maimed, 10 *l.* to be paid by the Owner, who is hereby obliged under the penalty of 50 *l.* to transport such Slave so taken, and in case the Owner cannot be found, then the Treasurer shall pay the 10 *l.* receive the Slave, sell and transport him ; and retain the produce to be employed in the said Service.

XLVII. All *Negroes* that have been absent from their Owner or Plantations six Months, shall be accounted as in actual Rebellion.

XLVIII. In case any Officer, Seaman or Soldier on board the said Sloops, or in the said Parties, shall in actual Service be disabled, such disabled man shall receive 10 *l.* per An. without Charge, during his Life, and also his cure paid for out of the Publick revenue.

XLIX. All Moneys which shall remain of the said 4303 *l.* 3 *s.* 9 *d.* over what has been employed upon the two Sloops, and Parties, shall remain in the treasurers Hands, to be disposed of as the Assembly of this Island shall appoint.

L. The

L. The Receiver or Receivers, Treasurer or Treasurers, shall be allowed all his or their reasonable Charges, Commission or Pretences to Commission, excepted.

LI. The Fines and forfeitures mentioned in this Act, and not otherwise declared, shall be one half to their Majesties, the other to the Informer, who shall sue for the same in any Court of Record, where no Essoign, &c. shall be allowed.

LII. *Act 8. p. 40.* After the 17 of August 1693 there shall be raised and paid the following Impost upon *Madera Wines*, over and above what is already payable, for three Months, and no longer, *viz.* the Summ of 40 s. for every Tun.

LIII. And for every Slave exported by way of Merchandize, for the term aforesaid, the Owner shall pay 20 s. *per Head*. All which *Negroes* shall be entered in the Receiver-Generals Office, and Bond given by the Owner to pay the Money within one Month after the Entry.

LIV. Whoever shall export any Slave or Slaves, and not make Entry, give Bond and pay as before directed, shall forfeit for every Slave so exported 50 l. one half to their Majesties, the other to the Informer.

LV. Every Merchant, or other Importer of *Madera Wines*, during the said term of three Months, shall make Entry, make up Accounts, and give Bonds, in the same Method, and under the same penalty, as directed by an *Act for Raising a Publick revenue for Support of the Government, &c. (1684 Act 12. Sup. S. 2.)*

LVI. The Money arising by Virtue of this Act shall be to the use of their Majesties for the Support of the Government of this Island, and the contingent Charges thereof, and towards the Repairing the Losses the Revenue has sustained by the Wines and other Merchandises lost in the Earthquake.

LVII. *Act 9. p. 42.* After the 17th of November 1693 there shall be raised and payed unto their Majesties for the Term of 5 years and no longer, an additional Duty and Impost upon the following Liquors, over and above what is already payable, *viz.*

LVIII. For every Tun of *Spanish and Madera Wine* imported, 40 s. all Wines of the growth of the Western Islands, 5 l. *per Tun*; all *French Wines* or *Rhenish Wines*, 30 s. *per Tun*; Beer or Syder 4 s. *per Tun*; Munn or Metheg-

Metheglin, 20 s. per Tun; Brandy 6 d. per Gallon; English Spirits 3 d. per Gallon; and so proportionably. All which said Liquors shall be duly entred under the Penalties mentioned in the Act for raising a Publick Revenue, &c. (*Sup. S. 2.*)

LIX. For Slaves exported the Owner shall pay 20 s. each. Excepting Slaves ordered to be transported for misdemeanours.

LX. Out of the Money arising by this Act, and the last (*Sup. S. 52.*) there shall be deducted and paid to their Majesties 1774 l. 16 s. as an equivalent for the Customs of Wines lost in the Earthquake.

LXI. Upon due Proof in the Supreme Court of Judicature, an action of debt shall lie for their Majesties, against any Person, his Executors, &c. that stand indebted for Customs, whether Bond be given or not.

LXII. After the Deduction and Payment of the said Summ 1774 l. 16 s. the rest of the Moneys shall remain as a Fund to encourage such persons as are willing to transport themselves hither, and be applied to no other use.

LXIII. Benjamin Way, Joseph Sergeant, William Hutchinson, Francis Hall, and Edmond Bдын, standing indebted to their Majesties in several Sums of Money for the Customs of Wines which were lost in the Earthquake, they and every of them, their Heirs, Executors, &c. are hereby indemnified and saved harmless from payment of the said several Sums, and all actions or suits against them for the same, and if sued they may plead the General Issue, and give this Act in Evidence.

LXIV. All tradesmen and others not able to pay their Passages, except Jews, Cripples, and Children under 11 years of age, who are willing to transport themselves to this Island, shall upon their repairing to any Master of any Ship, be received on board, and after their arrival here be free from all manner of Servitude, and have liberty to employ themselves as they think fit in any honest Trade, Service, or Calling; and the Captain or Master shall receive of the Treasurers appointed by this Act, for every person coming from England or Scotland, 7 l. 10 s. and for every Person from Ireland 6 l. for their passage; and for every Person so brought from Europe the said Master shall have for his encouragement and to his own use, the further Summ of 20 s. per head.

LXV. All

LXV. All Masters of Vessels that shall import any such Persons as aforesaid from *New-England, Carolina*, or any other Parts of *America*, shall receive the Summ of 3 *l.* 10 *s.* and for every person brought from *Providence*, and the *Windward Islands*, 40 *s.* And also, for every Person from any of the foresaid Places, the further Sum of 10 *s.* per head for his own use and Benefit.

LXVI. All Masters who shall import as aforesaid, shall within 48 hours after arrival, deliver upon Oath to the Secretary a List of the names, Age, and Trade, &c. of the Persons imported, which he is to enter in a Book, and transmit the List to the Treasurer, who is thereupon to pay the respective Summs to the Masters, and 2 *s.* 6 *d.* to the Secretary.

LXVII. All Merchants and others importing any Wines and Liquors before mentioned, shall enter the same in the Office of the Receivers-General, after the Manner prescribed in the *Act for raising a Publick Revenue*, &c. (*Sup. S. 2.*)

LXVIII. All which Duties, and the Impost on *Negroes*, shall be kept in a Book apart, the Bonds taken in their Majesties names, the Money arising thereon shall be paid into the Hands of the Receiver-General, and by him paid over to the Treasurer within 20 days after. For which Bonds, and Entries, receiving, and paying, the said Receiver-General (or Deputy) shall retain to himself two and a half per Cent. and no more.

LXIX. For goods of which the Customs are under 5 *l.* value, no Bond shall be taken, nor credit given, but the Customs of the same shall be immediately paid to the Receiver-General.

LXX. All *Negroes* to be exported shall be entred, and Bond given by the Owner for the payment of the Money within one Month after the Entry, under the penalty of 50 *l.*

LXXI. Any Person or Persons who shall advance and lend on the Credit of this Act any Summ or Summs, not exceeding 1000 *l.* shall receive for the Loan of the same, 12 *l.* 10 *s.* per Cent. per An. Which Moneys so lent, and Interest as aforesaid, shall be repaid to the Lenders, their Executors, &c. by the Treasurer, upon the first Moneys that shall be paid into his hands by Virtue of this Act, after Deduction and Payment of the foresaid

Summ of 1774 l. 16 s. to their Majesties, as afore-
said.

LXXII. Samuel Bernard, Nicholas Law, *Jr.* Bradshaw, William Hutchinson, Tho. Clarke, Modyford Freeman, and *Jr.* Banister, Esquires, are impowered to appoint such fit Persons in England, Scotland, Ireland, New-England, or any other Parts of *America*, or elsewhere, to make known this Act, to such Persons as are willing to transport themselves hither upon the Incouragement thereof. In case of Death, or refusal, of any of the Persons afore named, the Survivers may choose others.

LXXIII. The Commissioners may appoint one or more of their own Number to receive and pay the Money arising by this Act, of all which the Treasurer shall keep an exact and distinct Account, and declare the same when thereunto required. If the Treasurer shall direct or misapply any of the said Moneys, he shall forfeit to their Majesties double the Summ so directed or misapplied.

LXXIV. The Treasurer for the time being shall be allowed two and a half *per Cent.* for his Charges, in and about the Discharge of his Trust.

LXXV. Such Moneys as remain in the Treasurer's Hands (if any) after the Expiration of this Act, shall notwithstanding be employed to the Uses in this Act appointed.

LXXVI. The Secretary shall upon demand give a Copy of this Act to any Person requiring it, for which he shall receive 10 s. and in case of delay or refusal, he shall forfeit 40 s.

LXXVII. If the Receiver-General refuse to do and perform all, and every thing as by this Act enjoined him, he shall forfeit for every such Offence the Summ of 500 l. And all other Persons offending contrary to the true meaning of this Act, shall forfeit (if no Penalty be already laid) the Summ of 100 l. One Moiety of which Forfeitures shall be to their Majesties, the other to the Informer, to be recovered in any Court of Record, where no Essoign, &c.

LXXVIII. *Act 10. p. 52.* The Summ of 450 l. shall be levied and paid within 3 Months after the 10th Day of *August* 1693, and so every Year, during the Term of 3 Years, for the soliciting the Affairs of this Island in *England*, viz,

LXXIX.

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LXXIX. From the Parish and Town of Port-Royal
 49 l. 10 s. 10 d. St. Andrews 52 l. 17 s. 5 d. St. Katharines
 56 l. 16 s. 3 d. St. Dorothy 25 l. 3 s. 1 d. Vere 47 l. 1 s.
 8 d. Clarendon 42 l. 1 s. 8 d. St. Elizabeth 51 l. 6 s. 8 d.
 St. Thomas to Windward 27 l. 10 s. St. Davids 16 l. 11 s.
 St. Thomas in the Vale 21 l. 9 s. St. Johns 15 l. 8 s. 3 d.
 St. Georges 3 l. 13 s. 6 d. St. Marys 11 l. 5 s. 7 d.
 St. Anns 7 l. 13 s. 6 d. St. James's 2 l. 16 s. 8 d.
 Kingston 19 l. 5 s.

LXXX. The Justices and Vestry-men in their respective Parishes, or Justices alone where no Vestry is, are impowered and required to assess, tax, and levy, during the said term of 11 years, the several Summs aforesaid, on the several Parishes of this Island.

LXXXI. The Church-Wardens, and where none, the Justices, shall pay the Summs above assst for this Present year, under the penalty of 10 l. And for reimbursing them, they shall at the next time of assessing their Parish tax assess such Summ as shall have been so advanced by the said Church-Wardens or Justices, which Money so assess'd and levied shall be paid to the Persons who advanced the same, with lawful Interest.

LXXXII. The Several Summs yearly to be collected, shall be paid by the Church-Wardens or Justices, within 21 Days after their Receipt thereof into the Hands of the Receivers, and he or they who neglect so to do, shall forfeit for every such offence, the Summ of 50 l.

LXXXIII. The Money so raised and paid as aforesaid, shall by the Receiver be yearly remitted on the Country's Risque, in such manner as they shall think fit, into the Hands of Gilbert Heathcote, Bartholomew Gracedieu, and John Turt of London, Merchants, or any one of them, to solicit in England the publick Affairs of this Island, as occasion shall require.

LXXXIV. In case of Death, Absence, or Refusal of any of the Solicitors before mentioned, or the Commissioners hereafter named, the Persons remaining or surviving, may choose in their Room such other Person or Persons, who are impowered, both here and in England, to act as fully to all Intents as if appointed by Name in this Act.

LXXXV. Samuel Bernard, Nicholas Law, James Bradshaw, William Hutchinson, Thomas Clarke, James Banister,

and *Modyford Freeman*, Esquires, shall be Commissioners, and shall appoint one or more of themselves to be Receiver or Receivers.

LXXXVI. The said Commissioners shall at no time order any thing contrary to any of the Instructions drawn up by the Council and Assembly for direction to the Solicitors in *England*, but fully observe and be directed thereby. Notwithstanding they may upon any suddain or emergent Occasions, give the said Solicitors such further Instructions as they shall think fit.

LXXXVII. The said Commissioners, or Major-part of them, may from time to time turn out, or alter, any of the Solicitors in this Act mentioned, if it be thought fit.

LXXXVIII. The Receiver or Receivers of the Moneys arising by this Act, shall keep an exact and distinct Account of all Payments and Remittances, and render a true Account thereof when required to the Rest of the Commissioners, or to the Assembly, when sitting. And if any Receiver shall divert or misapply any of the said Money, he shall forfeit to their Majesties double the Summ.

LXXXIX. The said Receiver or Receivers shall be allowed all his, or their Expences. But in case he or they neglect or refuse to remit the said Summs yearly during the Continuance of this Act, to the Solicitors in *England*, he shall forfeit the Summ of 500 *l*.

XC. Half the Forfeitures contained in this Act, and not applied, shall be to their Majesties, the other half to him that shall sue for the same, in any Court of Record, where no *Essoign*, &c.

XCI. *Act 12. p. 63.* A Grant of 7500 *l*. and also of 1973 *l*. 14 *s*. 4 *d*. formerly raised and not yet applied, (*Sup. S. 22.*) amounting in the whole to the Summ of 9473 *l*. 14 *s*. 4 *d*. For 2 more Sloops, &c.

XCII. The said Summ 7500 *l*. shall be assesse and taxed in the severall and respective Parishes or Precincts, on all and every Person, by an equal Tax, to be paid within three Months after the 10th of *November* 1693. into the Hands of the Receiver hereafter named, according to the following Rates, *viz*.

XCIII. For every Negro, *Mulatto*, or *Indian Slave*, to be paid by the Owner 2 *s*. For every Horse, Mare, Colt, Mule, Ass, or Neat Cattle 9 *d*. For Sheep, Lambs,

Lambs, Goats, Kids 2 s. 6 d. per Score, and so in Proportion.

XCIV. For the Parish of *Port-Royal*, the Justices and Vestry shall lay, assess and levy 16 d. per Pound on all Rents to be paid by the Tenants, and allowed by the Landlords, and on all Trades as much, and one third more in Proportion, than they were rated in the Parish-Roll for this Year 1693. The like Assessments for Rents, at the Town of *St. Jago de la Vega*, and Town and Parish of *Kingston*.

XCv. The *Jews* shall pay over and above the foresaid Assessment the Summ of 1000 l. to be assess'd, collected, and paid by *Solomon Ararii*, *Jacob de Leon*, *Moses Tairo*, and 9 others, or any 5 of them, within one Month after the 10th of *December* 1693.

XCvi. In case they fail of Payment, they shall be assess'd 250 l. more; and the Constables of the Parishes where such *Jews* reside, shall, by Warrant from the Treasurer, levy at Discretion, such proportionable Summs upon them, as shall make up the Summ of 1250 l.

XCvii. If the Jewish Assessors, impowered and appointed by this Act, shall all or any of them neglect his or their Duty herein; the Governour by his Warrant may cause the Provost-Marshal, or his Deputy, to levy on all and every Person so offending 150 l. upon his Slaves, Goods, or Chattels, and sell the same; and in case no Goods, &c. are to be found, then to take into Custody the Body of the Person so offending, and him safely keep till Payment.

XCviii. The Justices of the respective Precincts shall deliver to the Constables a Roll of the Assessment, with a Warrant for levying the same, who having collected it, shall pay the same to the Church-Wardens, or where none, to the Justices of that Parish, deducting 4 d. per Pound for collecting (except in *Port-Royal*, and *Kingston*, where it shall be done *Gratis*) and the Church-Wardens or Justices shall pay the same to the Receiver within one Month after.

XCix. The Constables, upon refusal, shall levy the same by Distress and Sale of the Refuser's Goods and Chattels, retaining 1 s. in the Pound for every such Distress.

C. If the Governour or Commander in chief, shall before the levying this Tax, put Martial-Law in force in

this Island, all Persons refusing to pay their Tax as aforesaid, shall after the Expiration of the Martial-Law, pay double; to be recovered as above-said, by Distress and Sale of the Offender's Goods, &c. which shall be paid to the Receiver, and employed as the other Moneys by this Act raised and appropriated.

CI. Every Justice neglecting his Duty shall forfeit 50*l.* every Vestry-man, Church-Warden, or Constable 20*l.*

CII. All Owners of Slaves, Horses, or any kind of Cattle, shall by themselves, Guardians, Over-seers, Trustees, or Pen-keepers, give a true and just Account upon Oath, at such time as the Justices shall direct, of the Numbers of his Slaves, Horses, and all other Cattle, and of his Rents. And if any refuse by themselves, or Overseers, &c. to give such Account upon Oath; the Justices and Vestry may tax such Person according to their Discretion.

CIII. Any Person who shall advance and lend any Summ or Summs of Money upon the Security of this Act, shall receive for the Loan thereof 12*l.* 10*s.* *per Cent. per An.* for the time he shall be in disburst of the said Money.

CIV. Every Person so lending and paying the Money into the Hands of the Receiver, shall out of the first Money that shall arise and come in, be repaid by the Receiver, to him, his Executors, or Administrators, with Interest. And all other Moneys that shall be laid out or paid by the Receiver according to the Direction of this Act shall be without Fee or Charge.

CV. Col. *Charles Knights*, Col. *Thomas Clarke*, Capt. *Lancelot Talbot*, Capt. *Rob. Wardlow*, *William Hutchinson*, Esq; Capt. *Josiah Heathcote*, and Capt. *Thomas Clarke*, shall be Receiver or Receivers of the Moneys arising by this Act. And shall by Advice and Consent of the Governour, forthwith buy or hire two more good Sloops fit for War, and Equip, and Victual the same for 60 Officers, Sea-men, and Soldiers inclusively for each Sloop, for 6 Months.

CVI. For which two Sloops, Sir *William Beeston*, the Lieutenant Governour, shall appoint by Commission, discreet and able Captains, each of which to receive for Pay 6*l.* *per Month*, Masters each 4*l.* *per Month*, Boatswain, and Gunner, each 3*l.* *per Month*, Quarter-Master, each 50*s.* *per Month*. Who are to raise by impressing

pressing or otherwise, 60 Men for each Sloop, whose Pay shall be each 40 s. per Month.

CVII. Which two Sloops are to guard and defend this Island, by constant cruising, and looking out both Windward and Leeward, North and South-side of this Island, as they shall be directed and commanded.

CVIII. The Commissioners shall employ Capt. *William Dodington* to provide Victuals, Arms, and Ammunition, for the said Vessels, and draw Bills upon the Treasurer, for which Service the said *Dodington* shall be paid 5 per Cent. for what he provides.

CIX. The foresaid *Charles Knights*, and *Josiah Heathcote*, are appointed Treasurers to receive, and pay the Officers and Soldiers, &c.

CX. The Receiver or Receivers shall keep a distinct Account of the Money raised by this Act, and of all Payments thereof, and render a just and true Account of the same, when demanded, to the Lieutenant Governour and Council, and to the Assembly when sitting. And if the said Receiver shall divert or mis-apply any Part of the said Moneys, he shall forfeit to their Majesties double the Summ so mis-applied.

CXI. All and every the Articles and Orders mentioned in the Act of Parliament made 13 Car. 2. cap. 9. For better governing his Majesties Navies, Ships of War, &c. shall be duly put in Execution, and observed, on Board the said Sloops, and are hereby declared to be the Law of this Island.

CXII. For encouragement of the Officers, Seamen, and Soldiers, on Board the said Sloops, all Vessels by them taken from the Enemy are hereby given them: But Slaves, Vessels, or Goods, belonging to the Inhabitants of this Island, if retaken from the Enemy before they shall have arrived at the Enemy's Ports, shall be returned to the respective Owners.

CXIII. The Parties raised for subduing rebellious Negroes, in Case of Misdemeanor or Neglect of Duty, shall be subject to the Punishments prescribed in the Articles of War, as when Marshal-Law is in force. And the Captains of each Party shall receive for Pay 4 l. per Month, each Serjeant 50 s. and each Soldier 40 s. per Month.

CXIV. Those employed on board the Sloops shall receive for Salvage for Vessels, Slaves, and Goods, of the Inha-

Inhabitants of this Island, by them retaken from the Enemy, the 6th Part of the Value, to be divided among the Officers, Seamen, and Soldiers, proportionably to their Pay.

CXV. The Parties that go out to reduce the Rebelious Negroes, shall receive for every Negro killed, producing his Head 40 s. if taken alive, 10 l. to be paid by the Owner, who shall be obliged to transport him, under the Penalty of 50 l. In case no Owner appear, the Treasurer shall pay the 10 l. sell, and transport the Slave, and retain the Produce, &c.

CXVI. All Negroes that have absented themselves for 6 Months, shall be accounted as in actual Rebellion.

CXVII. Such as in actual Service, on board the Sloops, or in the Parties, shall be disabled, shall receive 10 l. per An. for Life, and their Cures to be paid for out of the publick Revenue.

CXVIII. When there shall be no further Necessity for the said Sloops or Vessels of War, the Commissioners, or Major-part of them, may sell the same, and the Money arising, and all other Summs remaining unexpended of what was raised by this Act, shall remain in the Hands of the Treasurers to be disposed as the Assembly shall appoint. And the Receiver and Treasurer shall be allowed their reasonable Charges, &c.

CXIX. The Fines and Forfeitures of this Acts, not otherwise disposed, shall be half to their Majesties, and half to the Informer, who shall sue for the same in any Court of Record, where no Essoign, &c. shall be allowed.

CXX. Act 13. p. 79. Of the Moneys raised by the abovesaid Acts, S. 22. and S. 91. and not hitherto applied or made use of, 1300 l. shall be applied for the Payment of 1000 l. Sterl; in England, to Col. Peter Berkford, to be by him made use of for the Service of this Island in such Matters as he shall there sollicite. And so much of the said Moneys as the Governours shall direct, shall be paid for the victualling and manning of a Sloop to transport the said Col. Berkford to England, who shall also have the Freight of Goods shipped on Board the said Sloop, either to, or from England.

CXXI. Of the Moneys arising by Virtue of the foregoing Acts 1000 l. shall be employed for paying the Passages of such Persons as shall transport themselves hither, according to the Directions of an Act past to the Purpose. Sup. S. 57.

CXXII. Of

CXXII. Of the Moneys arising by the foresaid Acts, and not hitherto made use of, 70*l.* shall be applied for the Charge of a Sloop sent to *Windward*, to cruise there, and give notice to the *English* Fleet daily expected here, of the additional Force the *French* have.

CXXIII. Of the foresaid Money not hitherto made use of, 162*l.* shall be paid to Col. *Edward Stanton* for defraying the Charge of 12 Men, for 6 Months, to be constantly kept at *Fort-William*, at *Port-Morant*.

CXXIV. The remainder of the Moneys raised by the foresaid Acts, and not by this present Act applied, shall be by the Governour and Council made use of for the immediate Defence of this Island; and the Receivers and Treasurers in the said Acts mentioned shall pay the same accordingly, to such as are appointed by Warrant under the Governour's Hand, to receive the same, or forfeit for refusal double the Summ refused, to be recovered to their Majesties in any Court of Record, where no *Essoign*, &c.

CXXV. The two Sloops purchased with Part of the Moneys by the said Acts arising, may be sold by the Governour, or made use of for the Country's Service. If sold, the Money to be applied with the Advice and Consent of the Council.

CXXVI. Where any Tax mentioned to be raised by the abovesaid Act, hath been omitted to be assess'd or levied; a Re-assessment may be made within 3 Months after the passing this Act, and the same levied as well during the time of Marshal-Law as Common-Law; and the Justices shall issue out their Warrants accordingly, to the respective Constables. And whatsoever Justices, Vestry, or Constables, shall omit to do their Duty herein, shall forfeit as directed by the said Acts.

CXXVII. All Pains and Penalties in the above-mentioned Acts inflicted, and now incurr'd by any the Justices, or Vestry of the respective Parishes, are hereby absolutely remitted and discharged, and the Parties indemnified for the same.

Titles.

Anno 1682. Act 22. p. 62. Two Grants, made severally, under the Great Seal of this Island, by way of Release

lease and Confirmation, to *Redman Macragh*, and *Samuel Bradway* (who claimed by defective Titles, from Aliens) ratified and confirmed to the Grantees their Heirs and Assigns for ever.

Treason.

Anno 1682. Act 17. p. 44. Whosoever shall at any time hereafter falsifie, forge, or counterfeit his Majesties Broad Seal of this Island, every such Offence shall be deemed and judged High-Treason. And the Offender, or Offenders therein, their Councillors, Aiders, Abettors, or Concealers, being lawfully convicted by the Oaths of two credible Witnesses upon Trial, or otherwise, shall be adjudged Traitors, and suffer such Pains, Penalties, and Forfeitures as in like Cases is ordained by the Laws of England.

V.

Vagabonds and Poor.

I. *Anno 1684. Act 10. p. 126.* Any three Justices, and the Vestry of each Parish, or the Major part of them, may lay a Tax (if it seems convenient) for the Building one or more Houses of Correction within their several Parishes, and for providing Stocks for the same, and for governing the same make such Orders as the said Justices and Vestry shall think fit, which shall be of Force, and put in Execution.

II. All Rogues, Vagabonds, and other idle Persons, that shall be found wandering, or otherwise mis-ordering themselves, shall be apprehended by the Constables, and carried before some Justice of Peace of that Precinct, and if the Person apprehended appear to be fit and able to work and refuse so to do, the Justice shall order him, or her to be whipt on the naked Back, not exceeding 39 Lashes,

Lashes, and after sent from Parish to Parish by the Constables of the same, the next straight-way, to the Parish where he, or she dwelt for one whole Year last past. And in like manner they shall convey poor and impotent Vagrants, to the Place of their last Abode.

III. Provided, no such Persons as abovesaid, shall be returned if they have dwelt in the Parish above the Space of three Months.

IV. Constable, or Tithing-man, neglecting his Duty herein, shall forfeit 40 s. for every Default. One half to the Church-Wardens, for the Poor of the Parish, the other to the Informer, to be recovered before any Justice of Peace.

V. The Church-Wardens of each Parish in this Island, with the Assent of any two Justices in that Precinct, may bind any poor Children of the said Parish, Apprentices where they shall see convenient; Males till 21 Years of Age, and Females, till 18, or the time of their Marriage, to be as effectual as if such Child were of such Age, and by Indenture of Covenant bound him, or her, self.

W.

Ways, Vide High-Ways.

F I N I S.

A

T A B L E

O F T H E

Chief Heads and Matter.

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Port-Royal 4.

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L

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5 R

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8 P

9 Q

10 P

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A N

Exact Abridgment

OF THE

Laws of *JAMAICA*;

In the same Method and Manner with

WINGATE's Abridgement.

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F I N I S.

AN
ABRIDGEMENT
OF THE
L A W S
OF
BARBADOS,

Printed 1699. Under proper Heads.

After the Manner of *Win-*
gate's Abridgement.

A.

Agents.

L **A**CT 408. The Treasurer of this Island for
the time being shall remit out of the
Publick Treasury thereof, to *Edward Lit-*
leton, and *William Bridges*, Esquires, and
N 3 *Francis*

Francis Eysles, Merchants, Agents in England for the Affairs of this Island, the Summ of 250 *l.* per An. to each, to be paid in *London* yearly.

II. The Summ of 1500 *l.* Sterling shall be speedily remitted by the said Treasurer, to the said *Francis Eysles*, to be employed, and disbursed for Fees, Sollicitations, and other necessary Charges, and payment of such Summ or Summs, which have or shall be expended in the Service of this Island. And the Treasurer may defalk and pay himself the usual Exchange allowed between this Island and *England*.

This Act to continue for two Years and no longer.

Ale-houses, and Publick-houses.

I. *Act 7.* A Seaman found on shoar after eight a clock at Night, and not producing a Certificate from his Master, or Owner, or not giving a good Account thereof, shall be apprehended by the next Constable, or Officer, and conveyed to the common Gaol, or Stocks, and the next Morning brought before the next Justice of Peace; who according to his Discretion may releate him. paying Fees. And whatever Master of a Family in this Island shall entertain such Seaman, in his House not licensed as aforesaid, he shall forfeit to the Publick Treasury 50 *l.* of Sugar.

II. No Master, or Commander of any Ship, shall be liable to pay any Scores, or Debts contracted by their respective Seamen in any Tavern, or Ale-house in this Island; but all Persons that trust such Seamen, having no Engagement from their Master, shall be incapable of recovering the same.

III. *Act 92* No Person whatsoever shall be permitted after the first of *June* 1668. to sell Wine, Brandy, or Rum, or any strong Liquors in Tipling-houses, situated near to Broad-paths, or High-ways. The Offender to forfeit, upon Conviction by Oath of two Witnesses, or Confession, 500 *l.* of Sugar, to be levied by Distress, by Warrant of any Justice of Peace of that Parish, for the Use of the Poor of the Parish. For the second Offence, and so for every subsequent Offence, Imprisonment for three Months without Bail, or Main-prize.

IV. This

IV. This Act not to extend to any Sea-port Towns, or Bays, except such as lie between *Oistnis*, and *Six mens Bay*; nor to prohibit such as are appointed, to give entertainment in their Houses at the Quarter-Sessions, or other Courts.

V. No Persons, except such as before excepted, shall sell any Wines, Brandy, or other Liquors not being the Product of their own Plantations, under Penalty of losing all Debts, Accounts, Bills, Bonds, &c. so contracted.

VI. No Person shall be permitted to keep any Still for the distilling of Rum, except such as have Land and Canes of their own, or such as keep refining Houles. The Offender herein to undergo the Censure of the Quarter-Sessions as oft as he offends.

VII. *Act 170.* The Governour, and Council, shall once in every Year, appoint at what Rate strong Liquors shall pass in Taverns, and Drinking-houses: And whoever shall sell contrary to such Rates, shall forfeit for every such Offence 3000 *l.* of *Muscovado* Sugar, half to the publick Use of this Island, and half to the Informer.

Alienations, Vide Sales, Estates.

Apprentices.

I. *Act 331.* From and after the Publication of this Act, any Boy or Girl within this Island under the Age of 21 Years, may by Indenture under Hand and Seal bind him, or her self Apprentice, to any Person exercising a Calling, or Husbandry, until they shall arrive at the Age of 21 Years, with the Consent of one of the Parents of the said Boy, or Girl; but if the Parents be dead, then of the next Justice of Peace, and the Church-wardens of the Parish; who are to see the Indentures sealed, and indorse their Approbation thereupon. And all such Indentures of Apprenticeship, with the Consent as aforesaid, shall be sufficient to oblige such Boy, or Girl, notwithstanding their Nonage.

II. If any Apprentice, so bound as aforesaid, shall neglect or refuse to serve according to Contract, the two next Justices of Peace may upon complaint, order him or her to be whipt by the Constable according to the Demerits; for the second Offence, severely whipt by the Constable, not exceeding 21 Lashes; and for the third Offence to have 21 Lashes, or Imprisonment for one Month, and receive 10 Lashes by the Gaoler every Saturday in the Afternoon during that time, the Gaoler to receive 20 s. for the Months Diet, to be paid by the Church-wardens of the Parish from whence the Apprentice comes.

III. If the Master, or Mistress shall abuse such Apprentice, or not allow him, or her, convenient Meat, Drink, and Apparel, according as by Law is allowed to bought Servants, the two next Justices of Peace upon Complaint may examine the Matter; and if they find the said Master, or Mistress faulty, they shall bind them over to the next Quarter-Sessions; and if they be there found faulty, the Justices may set the Apprentice free. But in case it appear to the Justices first complained to, that the Apprentice had not just Cause of Complaint, the Justices may order the Apprentice 10 Lashes for his unjust Vexation.

IV. Any two Justices may bind out any loose, idle, or unsettled Persons under the Age of 21 Years, until they attain that Age, in such Manner as is appointed by the Stat. 5. *Elix.* ch. 4.

V. An Apprentice so freed as aforesaid, may be bound out by the next Justice, and the Church-warden, to some other Person to serve out the remaining Part of his, or her Time.

VI. A Constable refusing to perform his Duty as by this Law is required by himself, or some other Person, shall forfeit 40 s.

VII. If any Person marry an Apprentice-Girl without the Consent of her Master, or Mistress, he shall forfeit 5 *l.* Sterl. *per An.* to her said Master, or Mistress during the remaining Part of her Time, to be levied yearly by Warrant of the next Justice. And if the Party offending hath not Effects sufficient, he shall serve the Master, or Mistress the Time unexpired.

VIII. *Act 348.* No Person shall be obliged to send his Apprentice to the Militia, armed and accoutred at his own Charge.

IX. Every

IX. Every Person having one or more Apprentices, shall within three Months bring him, or them before the Colonel of his Division, who shall place him or them on such Person or Persons as have not their Complement of Men, to be accoutred at their Charge.

X. *Act* 428. Apprentices bound under the Age of 21. shall serve the Years in their Indentures contained, provided they shall not be obliged for a longer time than 7 Years, unless at the time of their binding they wanted a greater Number of Years to arrive at the Age of 21.

XI. An Apprentice absenting him, or her self from Service without Leave, shall upon Conviction before the next Justice of Peace by one Witness or Confession, be adjudged for every Hours absence to serve the like Space of Time after his Time by Indenture is expired, or be proceeded against as by the former Act is appointed, at the Election of the Master, or Mistress complaining. (*Sup. 2.*)

XII. If any Person shall wittingly entertain an Apprentice for the Space of 12 Hours, he shall upon Conviction incur the like Penalties, and in the same Manner as is appointed for Proceedings against the Entertainers of Servants, by *Act* 21. v. *Inf. Servants*. S. 26. 28.

Arrests.

Act 219. No Warrant of Arrests shall be returnable into any Court of Common Pleas, but in the Precincts where the Residence of the Party arrested is generally known to be. And all Arrests otherwise shall be void.

Assembly.

I. *Act* 14. No Assembly to be held within this Island, shall continue longer than one whole Year from the Time of their first Meeting as an Assembly.

II. *Act* 426. Declared and Enacted, that it is the Right and Privilege of the General Assembly of this Island to judge and determine of the Truth and Legality of any Member chosen, where there shall be any Controversie of the same, and no Practice or Proceeding to the contrary

rary heretofore had shall be drawn into precedent, but for the future such contested Elections shall be tried by the Representatives of the People, and the Plurality of Voices shall decide it,

III. *Act* 441. Enacted and Declared, that the General Assembly of this Island have, and shall have full Power and Authority to call before them such Persons as can give Evidence in matters relating to Grievances, and to send for such Persons, Papers, and Records, in Order to discovery and redressing the same, and to punish their Contempt in Case of Disobedience, and to punish any Affronts and Misbehaviours against the General Assembly of this Island, after the Manner and Method of the House of Commons in *England*.

Attachment, Vide Sales, Courts.

Attorneys.

Act 359. No Clerk of any of the Courts of Common Pleas within this Island, shall draw or prosecute, or be any ways concerned as a Pleader, or Practicer in any Action, real, personal, or mixt, or other Proceedings whatsoever, in the Courts in which he is a Clerk, upon Pain of forfeiting his Office, and 50 *l.* currant Money, half to the Informer, and half to the King, for the Use of the Fortifications of the Island.

C.

Cask.

I. *ACT* 191. The Dimension of a Butt shall be in length 52 Inches, in the Bulge 35, and in the Head 29 Inches. A Puncheon in length 44 Inches, Bulge 32, Head 28. Hoghead in length 37 Inches, in depth in Bulge 31, Head 27.

II. Whosoever shall make any Entries of Sugars at the Custom-house here, in larger Casks than above limited, and cause the same to be Water-born, not having Permits according to the Rules of the Custom-house, shall forfeit all such Casks with the Sugar therein contained. And any Officer of the Custom-house may make seizure thereof.

Church-Wardens.

I. *Act* 4. No Inhabitant of this Island shall incroach in or upon any Plantation within any part of the old Bounds, but expect satisfaction for Land-wanting of him from whom he purchased.

II. Any Person may employ a Surveyor, the said Surveyor not taking above one Pound of Cotton for every Acre by him surveyed.

III. Every Church-warden of any Parish in this Island shall have Power of attaching, appraising, and selling any Lands, or housing of any Person or Persons that shall stand indebted upon any of their Parish Levies. Provided if the Party shall desire to redeem his Land by satisfying the Levies and Arrears in merchantable Commodities, then upon tender of such satisfaction by the last Day of June next after such Appraisement, such Appraisement and Sale to be void.

IV. The

IV. The Appraisements shall be made by 4 sufficient Men, and the Sales by Approbation of the Court of the Precinct where the Land lieth.

V. If any have 12 Acres of Ground above 100 within their reputed Lines, and no more, they shall enjoy the same without molestation.

VI. No Surveyor shall come to any Man's Plantation with an Intent to run out the same, without the Governor's Warrant under Penalty of forfeiting 10000*l.* of Tobacco, Imprisonment during Pleasure, and made incapable of ever executing the Office of a Surveyor. Nor shall he make any Bargain or Contract for any Warrant for his own Benefit under the Penalty aforesaid.

Common-Prayer, and Conformity.

I. *Act* 15. All Persons inhabiting this Island are strictly charged and commanded in His Majesties Name to conform themselves to the Government and Discipline of the Church of *England*, as the same hath been established by several Acts of Parliament; Which Acts the Ministers of every Church are required to read publicly in their several Churches, that all Persons may know their Duty.

II. All Justices of the Peace, Ministers, Church-wardens, and other Officers that may give furtherance to the Execution of the said Acts, are required in His Majesties Name, to do their endeavour therein to the utmost of their Powers.

III. *Act* 16. All Masters and Overseers of Families, shall have Prayers openly said or read every Morning and Evening in his Family, under Penalty of 40*l.* of Sugar, half to the Informer, half to the Publick Treasury.

IV. Masters of Families that live within two Miles of their Parish Church, shall duly repair thither with their Families twice a Day on the Sabbath, if above two Miles then once a Month at least.

V. If a Servant make default in repairing to Church, the Master (if he was the occasion) shall forfeit 10*l.* of Cotton; if the neglect be in the Servant, he shall be punished at the Discretion of the next Justice.

VI. Every

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VI. Every Minister shall begin Morning-Prayer on Sundays by 9 a Clock, and Preach once that Day at least.

VII. All Ministers shall every Sunday in the Afternoon either Preach or Catechise.

VIII. Constables, Church-wardens, and Sidesmen, shall every Sunday in time of Divine Service, search Taverns, Ale-houses, &c. and if they find any drinking, or otherwise misdemeaning themselves, they shall apprehend them, and set them in the Stocks for the Space of four Hours, unless every such Offender pay 5 s. for the use of the Poor.

IX. Whosoever shall swear, or curse, shall pay down, if a Freeman 4 l. of Sugar, if a Servant 2 l. of Sugar, or be put in the Stocks. This Statute not to take away the Master's Power in correcting their Servants for such Offences.

X. Every Church-warden shall upon his Election into that Office, be sworn before the Justices of Peace for the respective Parish, in Manner and Form according to the Laws and Constitutions of the Kingdom of *England*. And all Church-wardens shall duly make their Presentments at the next Quarter-Sessions, that Offenders may appear, and answer to such Crimes as shall be objected against them.

Continuance.

Act 30. All and Singular Statutes, Laws, and Ordinances made by the General Assembly, shall continue, remain, and be in full Force and Power, and none of them be repeal'd or nullified, in part or whole, or any thing thereunto added, without the Assent and Advice of a like General Assembly consisting of the Governour, Council, and Free-holders.

Courts.

I. *Act* 17. Where Parties or Witnesses are necessitated to depart out of this Island, and cannot stay to have their Causes decided in the usual Courts according to the ordinary times therein accustomed, the President or Commandant in chief for the time being, may upon Petition of the

the Plaintiff, appoint a special Court of 5 Judges, who, or any three of them, may according to Law, hear, try and determine the same, and grant Execution accordingly.

II. *Act 18.* This Island is divided into 5 Precincts. 1. The Parish of *Christ's Church*, and *St. Philips*. 2. *St. Michaels*, *St. Georges*, and *St. John's*. 3. *St. Thomas*, and *St. James*. 4. *St. Peter's*, *All-Saints*, and *St. Lucy's*. 5. *St. Andrew Overhills*, and *St. Joseph's*. In each of which Precincts shall be a Court of Common-Pleas of one Judge, and 4 Assistants, commissioned by His Majesties Commander in chief of this Island, with Power for any three of them, to hear and determine all Common-Pleas according to the Laws of *England*, and Laws and Customs of this Island.

III. The first of which Courts shall be kept at *Charles-town*, the last Monday and Tuesday in *January*; the second at *St. Michaels* on the Wednesday, Thursday and Friday following; the third at *James-town* on the Monday and Tuesday next ensuing; the fourth at *Little-Bristol* the Wednesday and Thursday next ensuing; and the last in the Parish of *St. Andrew's* the Friday and Saturday following. And the said respective Courts are to continue their respective Sittings from 4 Weeks to 4 Weeks, till the 26th of *September*, yearly, and then adjourn till the abovesaid last Monday in *January*, and then again revive according to the Limitation abovesaid.

IV. The chief Judge of each of the said Courts, hath Power to command the Appearance of the Defendants, by Warrant under his Hand and Seal. Provided the Plaintiff's Declaration be first entered on Record, a true Copy annex to the Summons, and Service made ten days at least before the Court, by leaving it at the Defendant's House.

V. If the Defendant shall not appear at the second Court, and plead a good Plea in Bar, or Abatement, or shew sufficient Cause for such his Default, Judgment shall be entered against him. But if he appears the second Court, and pleads an issuable Plea, the Cause shall be tried the next ensuing Court; when if the Defendant makes default, the Plaintiff's Evidence shall be taken and Judgment entered thereon; but if the Plaintiff neglect to appear, he shall be non suited.

VI. No Jury shall be summoned to try any Issue but what has been joined in some former Court, unless by Consent.

VII. Execution shall issue 14 days after Judgment entered; which shall be directed to the Marshal or his Deputy, to attach in the first Place any Cotton, Tobacco, Indigo, Ginger, Sugar belonging to the Defendant; if none such, then Servants, Negroes, Cattel, or Moveables; if none such, then Lands or Houses; if none such, then to arrest the Person of the Defendant, and him keep in Custody until satisfaction.

VIII. All which Moveables shall by the Marshal be exposed to sale the first Market-day (Saturday excepted) after 80 days after Attachment, between the Hours of 12 and 4, and the Produce thereof delivered to the Plaintiff. (*Vid. Act 335. inf. Tit. Markets.*)

IX. If the Goods attached shall not prove sufficient to satisfy the Plaintiff, then the Marshal shall proceed to attach further, and sell at the next Market following.

X. In case the Buyer be sued for Goods so bought, he may plead the Sale in Bar. And all such Sales shall be certified in Writing, and the Certificate filed in the Office.

XI. The Buyer shall pay his Money (unless the Plaintiff otherwise agree) within 5 days after, or the Judge shall issue Execution against the said Buyer, for the Summ contracted for, and 20 *per Cent.* more; for which the Marshal shall attach, and sell at the next Market as aforesaid.

XII. The Defendant may at his own Choice keep the Goods attached in his own Custody, at his own Hazard, during the 80 days aforesaid, and in the meantime pay or compound the Debt with his Creditor; but if he refuse to keep the same the Marshal shall proceed to sale the next Market-day after such refusal.

XIII. If Goods perish before the Sale, the Marshal may attach a-new, unless the said Goods have been abused by the Marshal or his Deputy, who shall in such case be responsible.

XIV. If the Defendant make away any Cattel, Stock, or Goods, after the same hath been legally attached, such a Person, upon due Proof, shall be committed to Prison for 14 days, and if in that time he doth not satisfy his Creditor, or produce the said Goods attached, or their Value, he shall

shall be put in the Pillory and lose both his Ears. And the Marshal re-attach and sell as aforesaid. (*vid. inf. S. 35.*)

XV. Eighty days after the Attachment laid on Lands, in case the Plaintiff be not fully satisfied in the mean time, the Chief Judge of the Court shall direct his Warrant of Appraisement to 7 of the ablest and indifferent Free-holders where the Land lies (in case the Land attached be 20 Acres, but if under, to 5 only) to appraise the same upon Oath. Which Oath shall be administered by the Marshal or his Deputy, *To make a just, true, and conscionable Appraisement of the Lands, &c. according to the best of their Judgment and Understanding, and neither for Favour or Affection, Hatred or Malice, vary from the true Value which in their Judgment they think the same to be really worth.*

XVI. If any Person duly summoned for the Service aforesaid shall neglect to appear, or refuse to be sworn, he shall forfeit 1000*l.* of Muscovado Sugar, half to the publick Use, and half to the Party grieved.

XVII. After such Appraisement made and returned, the Marshal shall put the Plaintiff in quiet Possession of the said Lands. And the said Marshal may attach further if the Land be short of the Debt, but if more, then so much of the Land to be returned as the over-plus shall amount to.

XVIII. In case the Title of the said Land be questioned, the Plaintiff shall vouch the Defendant; and upon Eviction, the Plaintiff shall be repaired in Value out of other the Estate of the Defendant.

XIX. The Plaintiff at his entring into the said Lands as aforesaid, shall become bound in double the Summ of the Appraisement, not to commit any Wast upon the said Lands during the space of 20 days, and if in the mean time the Defendant do truly pay him the Debt, Damages and full Costs and Charges, then on such Payment to restore the Defendant to the Possession of the said Lands, &c.

XX. But if no such Payment be made within the said 20 days, then the Marshal shall give the Plaintiff a Bill of Sale under his Hand and Seal of the said Lands, which shall be good and valid against the Defendant and his Heirs, and all claiming under them.

XXI. The Defendant shall be at the Charge of carrying the Goods recovered or attached, to the next Market;

ket ; and if he refuse, the Marshal shall provide Carriage, and place it to the Defendant's Account.

XXII. If any Person shall fraudulently make away any of his Goods or Tenements with intent to deceive his Creditors, he shall incur the Pains and Penalties by the Laws and Statutes of *England* appointed.

XXIII. If a Juror shall not appear at the time of Trial, or after Appearance shall withdraw himself, without lawful Cause, he shall forfeit 300 *l.* of Sugar to the publick Use, and stand committed till Payment.

XXIV. The Court shall assess and tax good and full Costs to be paid by the Party cast, to the other Party that appears to be unjustly molested.

XXV. The Court may fine any Person that misbehaves himself in open Court, not exceeding the Quantity of 1000 *l.* of Sugar, and commit him till Payment.

XXVI. Upon all Recoveries, upon Bonds and Mortgages of Lands, the Court shall admit the Defendant, if he desire it, to appeal to the Equity of the Court, which Appeal the Chief Judge, and any two of his Assistants, shall proceed to hear and determine according to Equity and good Conscience.

XXVII. Executions upon Judgments grounded upon Contracts made before the 25th of *Sept.* 1658, shall be executed according to the Laws and Customs then in force, and not otherwise.

XXVIII. Every Man shall be sued in the Precinct where he lives, unless two or more living in several Precincts be prosecuted for one Cause of Action ; there the Commander in chief shall issue Summons, and appoint in what Court they shall appear and answer.

XXIX. No Executions upon Judgments entered upon *Nihil dicit*, shall issue till next ensuing Court. But if the Defendant shall then make it appear that he was surprised, and that he hath good matter to plead, he shall be admitted to try the same, otherwise Execution to issue immediately.

XXX. If the Defendant shews Goods or Lands to the Marshal to be attached that are not really his own, he shall forfeit double the Value of the said Goods or Lands, half to the Publick, and half to the Party grieved.

XXXI. All Acts heretofore made concerning the matters in this Act provided for (excepted as before excepted)

ted) shall be from henceforth adjudged void, and of no force, to all intents and purposes.

XXXII. *Act 128.* Such as sue in any Court of Common-Pleas within this Island, for any Summ not exceeding 1000 *l.* of Sugar, 500 *l.* of Cotton, or 8 *l.* Sterling, shall file their Actions with the Clerk of the Court, in as short a Form as may be, and deliver a Copy thereof attested by the said Clerk, and the accustomed Warrant to the Marshal, who is to summon the Defendant as usual, and neither Plaintiff nor Defendant need appear till the third Court after such Entry and Summons; and then the Cause shall be heard by one or more Justices of the said Court, who shall cause an Order to be entered of what is justly due, that Execution may issue for the same.

XXXIII. But if at the third Court the matter cannot be clearly decided, then the same to be done at the said third Court as is accustomed in other Actions. But where the matter is decided by the Bench, no charge to be allowed for Attorney's Fees on either side, but only the Fee of Entry 2 *s.* and the Marshal's Summons 1 *s.*

XXXIV. If the Defendant appear not at the third Court, he shall be condemned by *Nihil dicit.*

XXXV. *Act 140.* Where Goods are legally attach'd, and left in the Debtor's Hands, if after 80 Days expired the Marshal Summons the Debtor to bring down the Goods to the next Market, and the Goods be not brought accordingly, in such case it shall not be required of the Plaintiff to make proof that the Defendant hath made them away; but if the Debtor doth not make it appear that the Goods miscarried without his Default, it shall be taken for granted that he made them away; and the Judge shall proceed as by the former Law provided. (*Vid. Sup. S. 14.*)

XXXVI. *Act 144.* Persons informing against such as are committed for petty Larceny, shall be bound to appear and prosecute at the next Quarter-Sessions to be held for the Town of *St. Michael's.*

XXXVII. And the Justices of the Peace there, shall have a full Power to hear and sentence such Offenders, as if the same were done at the general Sessions and Gaol Delivery for this Island.

XXXVIII. Persons accused for any Crime, and being acquitted upon Trial, or otherwise discharged from the Fact,

Fact, shall not be detained by the Provost Marshal for any Fees, nor shall pay any Fees, but only 1 s. 6 d. to the Turn-key.

XXXIX. Persons taken for petty Larceny, and finding Bail to appear in any other Parish than that of St. Michael's, may be tried and sentenced by the Justices in the Quarter-Sessions of the Precinct where they are taken.

XL. *Act 210.* Summons issued from Courts of Common-Pleas, and left in the Defendant's Hands, or which have been returned, and notice left with the Defendant, shall be held good for the time past, but for the future the Proceedings shall be as directed by a former Law. (*Vid. Sup. S. 4.*)

XLI. Before the Judge issues out any Original Writ of Summons, he shall cause the same to be fairly entered, in a Book of Entries for that purpose to be kept in the respective Precincts.

XLII. *Act 377.* After the 25th of Octob. 1692. No Person shall be admitted to sit and judge in Matters and Controversies in Error, and Equity, until he hath taken an Oath, *That he will according to the best of his Skill, Conscience, and Judgment, do equal Right, Law, and Justice to their Majesties, and all their Subjects and People, both rich and poor, without Favour or Affection, Hatred or Malice; or having regard to any Person whatsoever, that hath any matter, cause or thing at any time depending before him.* Which Oath the Governour shall administer to others, and take the same of his own Administration, which shall be as effectual as if done by a *Dedimus* specially obtained therefore.

XLIII. *Act 444.* From and after the Year 1698. shall be held a General Sessions or Assize of the Peace or Gaol Delivery, by the Governour, Council, Judges and Justices of Peace, on the second Tuesday in December, and the second Tuesday in June, yearly.

XLIV. If the Governour and Council shall not think fit to sit and give their continual Attendance, the Governour may commission and impower some able Person to sit as chief Judge, or Chair-man, and hold the said Sessions at such convenient Place as the Governour shall think fit.

XLV. The Governour shall give notice by his Precept or Writ, to be publish'd three several Sundays before the

holding the said Sessions, in the several Parish Churches, requiring six substantial Free-holders out of every Parish, at the time and place nominated, to repair to the said Sessions, to do such Services on His Majesties behalf as shall be required of them, and not to depart till discharged by the Court.

XLVI. The several Justices of Peace, Coroners, and other Officers, before whom any Recognizances, Inquests, Examinations, or other Writings relating to the Sessions, shall be made or taken, shall send the same, together with the Lists of the six Free-holders appointed to attend, to the Clerk of the Crown at his Office, at least six days before the said Sessions, under the Penalty of 5 *l.* Sterling, and Commitment till payment, unless good Cause be shewn for such neglect.

XLVII. Whosoever Justice, Coroner, Officer, or Person summoned as Jury man, shall fail to give their Attendance, or neglect to appear being called, or depart from the Sessions without leave, shall be fined 5 *l.* Sterling to the King, and committed till payment.

XLVIII. All Proceedings in criminal Matters, commonly called Pleas of the Crown, shall be according to the Laws and Statutes of *England*, and of this Island. In all which matters every Justice of the Peace shall have a free Vote.

XLIX. According to the Custom and Usage of *England*, the incident Charges of the Sessions, as to the Entertainment of the Court and Jurors, shall be born and satisfied out of the Fines, Forfeitures, and Amercements.

L. The Officers of the said Court, and of every Court shall once every Year, or oftener if required, give an account of all Fines, Forfeitures, and other Profits, which happen in their Courts, to the Governour; a Copy whereof shall be transmitted to the Assembly then in Being, if any be, otherwise to the Speaker of the last Assembly.

LI. Two former Acts relating to the General Sessions and Gaol-Delivery, repealed.

Customs.

Act 195. If Goods that have paid the Duty of four and a half *per Cent.* shall happen to be cast away, or taken by Enemies or Pirates, after the same have been Water-born, or shipt in order to be exported, after the first of *December 1675*, the like Quantity of Goods may be again shipt Custom-free, upon Proof made before the Governour, or Commissioners of the Customs, in such manner as is appointed by the Act of Tonnage and Poundage. (*Vid. 12. Car. 2. ch. 4. S. 4.*)



D.

Distresses.

I. *ACT 300.* Any Person that shall have any Horse, Cartel, or other living Chattels taken Damage-fesant, or so pretended, may repair to the next Justice of Peace, who shall upon complaint and request of the Owner, grant his Warrant to summon the Party distraining, and if upon hearing, the Justice cannot accord the Parties, he shall grant his Warrant to three neighbouring Free holders to appraise the Damage, and upon return thereof, and the Appraiser's Oath, which the said Justice shall administer, and proof made of the Payment, or tender of the Damage, the Justice shall instead of a Replevin, grant his Warrant to the Constable of the Parish to take and restore the Distress to the Complainant. So in case the Parry distraining shall not upon Summons, appear.

II. If the Distress shall be conveyed away, so as the Constable cannot make deliverance according to his Warrant, the Constable shall take the Party suspected to have done it, and bring him before the Justice, and if it appear to the Justice that he hath so done, the Justice shall cause the Party's Chattels to the Value, to be delivered to the Complainant; or for want of Chattels, shall commit the Offender to Prison, till the Distress may be taken, and Deliverance made.

III. The Justice or his Clerk may take 6 *d.* for every Warrant, and 1 *s.* for the Replevin.

IV. In case of Distress for Rent, or Pretence of Title, or Property to the Goods distrained, the Justice's Power shall cease, and the Replevin shall issue from the Common Law.

V. Where any Person pleads Property as aforesaid, and makes not good the same at the Trial, the Court shall tax treble Costs against him.

E.

Elections.

I. *ACT 435.* Every white Man professing the Christian Religion, a born Subject of the King of *England*, or naturalized, of the Age of 21 Years, and seized of 10 Acres of Land in fee-simple, fee-tail, or for term of Life, in any part of this Island, or of any Houses or Buildings of the yearly Value of 10 *l.* currant Money, or 2000 *l.* of *Muscovado* Sugar, shall be deemed a Freeholder, and capable of electing Representatives, or Vestrymen in the Parish where such his Estate lies, and to serve as a Juror on Trials.

II. No

II. No Joint-tenant or Tenant in Common, that hath not for his own share 10 *l.* in Houses, or 10 Acres of Land, as aforesaid, shall be esteemed a Free-holder.

III. None shall be deemed a Free-holder at the Election of Representatives, or Vestrymen, who shall produce a Conveyance of Lands, &c. in order to prove his Freehold, which hath not been acknowledged and duly recorded in the Secretary's Office, before the Date of the Writ of Election; and who shall not make Oath, if required, that the Deed by him produced is real and absolute, and not fraudulent, and that he is in actual Possession of the said Land or Houses, and receives the Profits of the same, and is under no Obligation to give up or surrender the same after he hath voted, or shall be elected. Except nevertheless, such as claim to be Freeholders by Deed or Deeds executed and proved in *England*, and recorded in the Secretary's Office here. Except also, such as claim by any last Will duly proved and recorded in the Secretary's Office.

IV. The Party to whom the Writ is directed, is empowered to ask such other questions upon Oath, concerning the qualification of any Person offering to elect, or standing to be elected, as to him shall seem meet, or shall be required by any Free-holder present. And all Persons refusing to answer such questions as aforesaid, shall be incapable of electing, or being elected, Representatives. So also for Vestrymen.

V. Quakers are admitted instead of taking an Oath, touching their Qualifications to vote, to *promise and declare in the Presence of God, that what they shall answer shall be the Truth, the whole Truth, and nothing but the Truth.*

VI. If any Person shall swear, or declare, as aforesaid an Untruth, such Person shall be bound over to the Grand-Sessions, and proceeded against as in case of Perjury, and be for ever incapable of voting at any Election.

VII. Writs for Election of Assembly-men shall be by the President and Council, or Governour with the Consent of the Council, in the usual Form, directed to the several Members of his Majesty's Council, one in every Parish, who shall execute the same.

VIII. If there be no Councillour dwelling in the Parish, or be disabled by Sickness, the President and Council may direct the Writ to such other Person of the same Parish, as they shall think fit.

II. If the Distress shall be conveyed away, so as the Constable cannot make deliverance according to his Warrant, the Constable shall take the Party suspected to have done it, and bring him before the Justice, and if it appear to the Justice that he hath so done, the Justice shall cause the Party's Chattels to the Value, to be delivered to the Complainant; or for want of Chattels, shall commit the Offender to Prison, till the Distress may be taken, and Deliverance made.

III. The Justice or his Clerk may take 6 *d.* for every Warrant, and 1 *s.* for the Replevin.

IV. In case of Distress for Rent, or Pretence of Title, or Property to the Goods distrained, the Justice's Power shall cease, and the Replevin shall issue from the Common Law.

V. Where any Person pleads Property as aforesaid, and makes not good the same at the Trial, the Court shall tax trebble Costs against him.

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II. No

II. No Joint-tenant or Tenant in Common, that hath not for his own share 10 l. in Houses, or 10 Acres of Land, as aforesaid, shall be esteemed a Free-holder.

III. None shall be deemed a Free-holder at the Election of Representatives, or Vestrymen, who shall produce a Conveyance of Lands, &c. in order to prove his Freehold, which hath not been acknowledged and duly recorded in the Secretary's Office, before the Date of the Writ of Election; and who shall not make Oath, if required, that the Deed by him produced is real and absolute, and not fraudulent, and that he is in actual Possession of the said Land or Houses, and receives the Profits of the same, and is under no Obligation to give up or surrender the same after he hath voted, or shall be elected. Except nevertheless, such as claim to be Freeholders by Deed or Deeds executed and proved in England, and recorded in the Secretary's Office here. Except also, such as claim by any last Will duly proved and recorded in the Secretary's Office.

IV. The Party to whom the Writ is directed, is empowered to ask such other questions upon Oath, concerning the qualification of any Person offering to elect, or standing to be elected, as to him shall seem meet, or shall be required by any Free-holder present. And all Persons refusing to answer such questions as aforesaid, shall be incapable of electing, or being elected, Representatives. So also for Vestrymen.

V. Quakers are admitted instead of taking an Oath, touching their Qualifications to vote, to *promise and declare in the Presence of God, that what they shall answer shall be the Truth, the whole Truth, and nothing but the Truth.*

VI. If any Person shall swear, or declare, as aforesaid an Untruth, such Person shall be bound over to the Grand-Sessions, and proceeded against as in case of Perjury, and be for ever incapable of voting at any Election.

VII. Writs for Election of Assembly-men shall be by the President and Council, or Governour with the Consent of the Council, in the usual Form, directed to the several Members of his Majesty's Council, one in every Parish, who shall execute the same.

VIII. If there be no Councillour dwelling in the Parish, or be disabled by Sickness, the President and Council may direct the Writ to such other Person of the same Parish, as they shall think fit.

IX. Upon calling an Assembly, all the Elections throughout the Island shall begin upon one day, between 8 and 9 in the Morning, and continue without Interruption till the Votes shall be finish'd.

X. A Paper of several Columns shall be provided, in which shall be set down the several Names of those who stand, and every Voter shall subscribe his Name or Mark, under the Person's Name he votes for.

XI. Every Person elected for a Representative, or Assembly-man, shall take the Oaths appointed instead of the Oaths of Allegiance and Supremacy, and all other Oaths and Tests taken or subscribed by the Members of the House of Commons in *England*, or be incapable of serving as a Representative.

XII. None shall be chosen or serve as a Vestryman, who shall refuse to take the Oaths appointed instead of the Oaths of Allegiance and Supremacy, if thereto required by any Elector present.

XIII. If any Member of the Assembly die, or depart the Island, the President and Council shall within 20 days after, issue a new Writ, for choosing another Person to serve in his place.

XIV. If any Person by Menaces or Threats, shall endeavour to force any Free-holder to vote against his Inclination, or hire, or otherwise procure any Vote, or after the Election menace, or abuse any Free-holder, because he voted not as he would have him, such Person, if an Officer or Magistrate, shall upon due Proof of such Violence made before the Assembly for the time being, be bound over to the next General Sessions, to be of good Behaviour, and abide the Sentence of the said Court, who shall upon Conviction, fine the Offender 50 *l.* Sterling, half to the King, half to the party grieved.

XV. And if any Person so offending shall be chosen a Member of the Assembly, after Conviction of such illegal Practices before the Assembly for the time being, he shall be incapable of sitting, and further liable to the Fines and Forfeitures aforesaid.

XVI. If any Person shall causlessly charge or impeach any one to be an Offender against this Act, and doth not make good the same, he shall forfeit to the King 50 *l.* Sterling, to be recovered by Action, Bill, Plaint, &c. provided such Action be brought within three Months.

XVII. When

XVII. When Writs shall be issued for Election of Representatives, they shall forthwith be published three Sundays successively.

XVIII. All former Acts concerning electing Representatives repealed.

Errors.

Act 12. The Custom and Usage of hearing and determining Writs of Error, Petitions of Equitable Causes, and other such like Matters, by and before the Governour and Council, shall continue and be in force, according to the ancient Practice in this Island.

Estates.

I. *Act 22.* A Deed in due form made, and within three Months after the Date acknowledged before the Governour, or some of the chief Judges of some Court of Justice within this Island, by all the Parties granting any Free-hold or Inheritance, and recorded in the Secretary's Office within the said three Months, shall be valid without Livery, Attornment, or any other Ceremony. And no Deed without such Acknowledgment and Inrollment shall pass any Free-hold or Inheritance, or Lease above three Years.

II. A Feme Covert aliening, shall come before the Governour, or other chief Judge as above-said, to acknowledge the Conveyance, and being by him privately examined, and she confessing that she doth it freely and voluntarily, her Acknowledgment of the Conveyance, and the Judges Name that took it endorsed, thence forth such Writings shall be valid and firm against her, and all claiming under her. So also a Fine levied in *England* by a married Woman of Lands in this Island, being brought over, and recorded here.

III. All Persons that now have, or claim to have, any Estate above the Term of three Years in any Land, &c. shall enroll their Deeds in the Secretary's Office, within one Year next ensuing, or else such Deeds to be utterly void.

IV. Such

IV. Such Persons as have been in quiet Possession of any Lands, &c. for the Space of five Years last past, shall have good Right and Title to the same against all Men, during the Estate whereof they are possess. Except against such as shall prosecute their Title within two Years next coming, Females Covert, Persons under Age, or of unsound Memory, prosecuting their Titles within one Year after their Impediment removed.

V. All Persons to whom any Title, to any Lands, or Tenements shall descend, shall prosecute the same within two Years after, or they, and all claiming under them, shall be for ever barr'd to recover the same: Except Females Covert, Infants, &c. who shall prosecute within one Year after the Impediment removed.

VI. The Secretary of this Island, his Deputy, or Clerks, shall with expedition fairly record Deeds brought to them to be enrolled, and shall not take for so doing above 50 *l.* of Tobacco. or the Value thereof, under Penalty of forfeiting 1000 *l.* of Tobacco, besides Damages to the Party injured by his neglect.

VII. Whosoever shall imbezel, rase, interline, or deface any Record, shall upon Conviction by 12 lawful Jurors, incur the pain of Death, as in case of Felony. And the Party grieved by such Imbezelment, Rasure, &c. shall have all the Estate real and personal of such Offender.

VIII. Every married Woman (not having a Jointure made before Coverture) shall immediately after her Husband's Death have a Right to Dower, and shall be endowed of one third part of the Lands and Tenements whereof her Husband died seized in this Island, according to the Laws of *England*.

IX. In all Actions concerning Titles of Land, quiet Possession of the Lands in Question for the Space of five Years, shall be a good Plea in Bar. And such Plea duly entered, shall bar the Plaintiff or Demandant, unless he can make it appear that the said five years Possession incurr'd during the Plaintiff's Infancy, Coverture, or Non-sane Memory, or that the Defendant held the same as his Attorney, Tenant, Servant, or Over-seer, &c.

X. *Act 122.* No Deed made since the 11th of September 1649. or hereafter to be made, shall bar a real Purchaser, unless it be acknowledged before the Resident, Governour, or the chief Judge of one of the Courts of Common-Pleas in this Island, and recorded at large in the

the Secretary's Office, within three Months after the sealing and delivery thereof. But in case any Person purchase Plantation-land, that he knows to be already sold and by Deed conveyed to another, notwithstanding the said Deed be through Ignorance, or Negligence, not duly acknowledged or recorded as aforesaid, such former Deed shall stand good to bar the latter Purchaser.

XI. *Act* 137. Persons that have any Claim to Lands or Tenements, must make their Claim by their Action at Law duly entered in the Court where the Lands are, &c. to which Action the parties in possession are to receive Summons from the said Court. And no Judges and Courts of Common-Pleas, shall allow of any Claim of Lands, &c. other than what is made by Action on Record and Summons as aforesaid.

XII. All Persons making their claim to any Land within the Time limited by a former Act (*Sup. S. 4. 9.*) by Action, shall bring the same to Trial, and the same Trial shall be conclusive on the Plaintiff's part for ever.

XIII. All Persons claiming under any Person who hath formerly lost his Claim, shall be utterly barr'd, but the same must be duly pleaded in Bar, and given in Evidence upon the Trial.

XIV. A Man and his Wife of full Age, or Woman sole residing in *England, Scotland, or Ireland*, or any of His Majesty's Dominions, and acknowledging a Deed of Sale before any His Majesties Judges, or Mayor of a Corporation, or before the Chief Governour of any Island or Place where they live, in which Acknowledgment the Woman to declare her free and voluntary Consent without her Husband's Compulsion; the same being sent hither and truly certified under Seal, and here recorded in the Secretary's Office, within 12 Months after Acknowledgment, it shall be as effectual to convey Land, as if the same had been done in this Island.

Evidence.

I. *Act* 9. Deeds, Bonds, Specialties, Letters of Attorney or other Powers in Writing, produced in any Court of Justice in this Island, attested to have been proved by Oath, under the Corporation-seal of the Lord Mayor of London, or chief Officer of any other City or Town

Cor-

Corporate, in *England*, shall be taken and adjudged as sufficient in Law, as if the Witnesses therein named had been personally present, and proved the same here ; and such Attestation shall be sufficient Evidence to the Judge and Jury.

II. But no Execution shall be granted upon any Judgment had upon Testimonies so certified, till the Plaintiff (if the Defendant so require) give security in double the Summ recovered, that the Debt was a just and real Debt, and was never satisfied by any, in whole or in part. And the Debtor shall have two Years time to disprove the Debt or any part of it, and he shall have the same Advantages of Proof as the Creditor is allowed. And if in that time it be not disproved, nor any part thereof, the Security shall be void, and the Bonds given up. But if in that time the whole or any part be disproved, the Plaintiff shall pay to the Defendant what is disproved, with trebble Damages.

III. No Creditor shall have the Benefit of this Law, unless he first make Oath before the Mayor, or Officer who shall make the Certificate, that what he demands nor any part of it is satisfied ; but if the Creditor claim as Executor or Administrator, then he shall only swear, as to his Knowledge.

IV. *Act 19.* No written Depositions of Deponents Resident in this Island, shall be accepted for Evidence by Judge or Jury, unless it be proved that the Deponent departed from the Island before the Trial, or that he is hindered by extreme Sicknes to appear personally, and that in such Cases the other party have notice when the said Deposition is to be taken ; but if either Party being summoned, refuse to come, then the Evidence may be taken without them, and in such Cases, as above express, shall be good and sufficient Testimony to the Jury.

Execution.

I. *Act 188.* Upon all Executions issuing upon Judgments grounded upon Debts or Contracts made after the Year 1675. the Marshal and their Deputies shall proceed to Appraisements, or Outcries, without Regard to the 80 days (appointed by *Act 18. Vid. Sup. Courts S. 8. 15.*) which 80 days are hereby made void, and taken off.

II. The

II. The Marshal of the several Courts, and Constables are required to attach any Part or Parcel of any Wind-mills, Mill-house, or other Buildings, or things intire, for or towards satisfaction of any Debr, and the same so attached to appraise and deliver in severally, and not intire, where the things are of far greater Value than the Debr.

III. *Act* 272. The foregoing Act revived and continued.

F.

Fees.

I. *ACT* 41. The Secretary, and all other Officers belonging to this Island, and the several Courts of the same, shall not receive or take any other Fee or Fees than what are in this Act exprest, under penalty of forfeiting his or their Office or Offices, and Imprisonment, without Bail or Mainprise, the space of one Month, immediately after Conviction by the Oath of one Witness, or other sufficient Proof before the Governour, or one Justice of the Peace.

II. A Table of Fees shall be hung up in the Secretary's Office, and in the several and respective Courts, and Chancery, and Offices thereunto belonging. On Court-days, to hang up in Court during the sitting, and at other times, in the Offices. Under the Penalty of 1000 L . weight of Muscovado Sugar, one half to the use of the Island, the other to the Informer.

III. The Secretary, and the Clerks, and Marshals of the several Courts, shall appoint some certain Place at the Sea side in their several Precincts, where their Fees may be paid in Sugar, and no Officer shall refuse Sugar according

ording to the Prizes mentioned in the several Lists annexed to this Act, upon the Penalty of forfeiting 1000*l.* of Sugar.

IV. Then follows a List of the several Fees (in Sugar) of the Secretary, of the Clerk of the Peace, of the Clerk of private Courts, of the Chancery Fees, and of the Marshal. For all which particulars, see the Act at large, *Pag.* 49, 50, 51.

V. *Act* 42. No Establishment made of any Fees, shall continue for any longer time than six Months. But if the Governour, Council, and Assembly, at the Expiration of the six Months, omit to make any Alteration, then the Fees before established shall continue till Alteration be made by them.

VI. *Act* 108. No Officer hereafter named shall by themselves, Deputies, or Servants, neglect, refuse or delay, any Person, or take directly or indirectly, any other Fee or Fees than is in the List in this Act exprest, under Penalty of forfeiting 5000*l.* of Sugar, one half to the publick Treasury, the other to the Informer. And the Party to recover his Damages in his Action at Law. And the Offender shall lose his Office or Imp'oyment, suffer Imprisonment for three Months, upon Conviction by the Oaths of two credible Witnesses, or his own Confession.

VII. Tables of Fees shall be set up in the Offices herein after named, under the Penalty of 1000*l.* of Muscovado Sugar.

VIII. The said Fees shall be paid in Sugar, or in Money at three half pence *per* Pound, at the Choice of the Payer.

IX. If any question arise concerning the Goodness of the Sugar, the Value is to be made by the next Justice of Peace, and certified under his Hand, at which Value the Officer shall be bound to receive it under the Penalty aforesaid.

X. The Provost Marshal's Fees ; the Clerk of the Peace his Fees ; the Coroner's Fees ; the Clerks of the Chancery and Examiner's Fees ; the Sergeant at Arms his Fees ; Fees to the Ordinary and his Register ; Fees allowed to Governours Clerks in the Naval-Office, or in any other Capacity ; Fees taken by any sworn Surveyor, Justice of Peace Clerk's Fees. For all which see the Act at large, *Pag.* 77, 78, 79, 80.

XI. *Act*

XI. *Act* 145. If the Secretary of this Island, by himself, Deputy, Clerk or Servants, shall receive directly or indirectly, or for expedition, any other Fees than is by this Act exprest and allowed, he shall forfeit the Office, be proceeded against as for Extortion, and be incapable of acting in any Office of publick Trust within this Island, upon Conviction by the Party's Confession, or Oath of one Witness before the Governour, or any two Justices of the Peace.

XII. The Fees of the Secretary, and the several Offices committed to his Management, shall be fairly ingrossed, and hung up constantly in his Office, under the Penalty of 10000 *l.* of Sugar.

XIII. Fees for Copies and Certificates out of the Secretary's Office not set down and appointed in this Act, shall be appointed by the Governour, provided the Price not to exceed one Pound of Sugar *per* line, 8 words in a Line.

XIV. There follows a Schedule of the Secretary's Fees, for which see the Act at large, *Pag.* 99, 100.

Fines.

I. *Act* 40. The Clerks of the several Courts within this Island, shall keep a just Account of all Fines imposed upon any Person for Mildemeanours in Court, or neglecting their Attendance on the same, when duly summoned; and every two Months deliver a List thereof, attested under their Hands, to the Marshals of the several and respective Courts, and also to the Treasurer of this Island.

II. Which said Marshals shall levy the said Fines upon the Goods, or Persons, of such as are fined, by Execution signed by the Judge of the Court within the Precinct; and having levied shall appraise and sell the same, returning the over-plus, if any. And what the said Marshals shall receive by reason and cause aforesaid, they shall convey and deliver the same to the Treasurer for the time being, for the publick use of the Island, the said Marshals taking his Receipt for the same.

III. Whatsoever Clerk or Marshal shall make default in their Duty herein; he shall for such Default lose his Office or Place, and lie in Prison for three Months without

out Bail or Mainprise, upon Conviction by the Oath of one Witness.

Fires.

I. *Act 56.* Whosoever shall at any time wittingly or willingly set on fire any Sugar-cane-field, or other Place where Sugar-canes grow, within this Island, he shall upon proof, receive 40 lashes on his bare Back, be branded on the Fore-head with the letter R. and serve the Parry dam-nified for 7 Years. But he that does it casually shall make satisfaction according to the Damages.

II. This Act shall not extend to any that shall set on fire his own Sugar-cane-fields, so that it be not prejudi-cial to any other.

III. Whosoever shall carry Fire, or take Tobacco, in any Path where Sugar-canes are planted on both sides, or near to any planted Canes, he shall upon Conviction, forfeit 500 *l.* of Sugar for every such Offence, and if not able to pay the same, he shall have 20 Lashes upon his bare Back. The Fine to go to the Commissioners of the High-ways, for that Precinct.

IV. *Act 160.* *The same with the former.* But directs the forfeiture for carrying Fire, or taking Tobacco (*Sup.S.3.*) to be paid to the Church-wardens of the Parish where the Offence is committed, and to go to the use of the Poor, as the Vestry shall order; and the 20 Lashes to be given by the next Constable, or his Deputy.

Forcible Entry.

I. *Act 84.* No Person whatsoever shall make any forci-ble Entries, or forcible Detainure of any Lands, Hou-ses, or Tenements, or enter secretly on Lands to gain Possession by setting up any Roofs, Huts, Hovels, Tents, or thatch'd Houses, or by any other private Practices without due Course and Recovery at Law, under Penal-ty of forfeiting to the King 10000 *l.* of Sugar for every Person so offending.

II. When any Person shall make such Entry and De-tainure as aforesaid, the two next Justices of Peace shall upon complaint of the Parry grieved, remove such En-tries

tries and Possessions, and cause to be pulled down and destroyed all such Roofs, Huts, Hovels, &c.

III. And the Person or Persons so entring, possessing, or holding, or found doing contrary hereunto, shall be committed to the common Gaol till they have given Recognizance, themselves in 10000 *l.* of Sugar, and two Sureties in 5000 *l.* of Sugar each, to appear at the next General Sessions, and in the mean time to keep the Peace, at which Sessions the matter shall be examined, the Penalty adjudged, and paid to the Publick Treasury.

IV. In case of Resistance against the Justice or Justices, the said Justice or Justices, are to raise the Power of the County, and proceed against the Offenders as Rioters and Rebels. And the Justice of Peace who shall fail of doing as hereby required, shall forfeit 10000 *l.* of Sugar, half to the Publick, and half to the Informer.

V. This Act shall not extend to any Entry made upon Breach of Covenants, or Conditions, or for Arrears of Rent, or any such like Case, or the formal Entry made for sealing Leases of Ejectment, &c.

Forestallers and Ingrossers.

I. *Act 171.* Whosoever shall buy or cause to be bought up any Salt, Salt-beef, Pork or Bacon, or other Provision, brought to this Island, aboard any Ship, Boat, or Vessel whatsoever, from any Part beyond the Seas, or shall make any Bargain for buying the same before the said Provisions shall be brought on shoar and housed, or shall move any Person by Word or Letter for the enhancing the Price thereof, all such Person or Persons shall be deemed Forestallers.

II. And whosoever shall by any means procure or obtain by buying, or contracting for, either on board or on shoar any of the said Provisions, to the Intent to sell the same at higher Prizes, or transport the same, without Licence from the Governour and Council first had, shall be deemed a Regrator and Ingrosser.

III. All and every Person or Persons so offending, and thereof duly convicted before two Justices of Peace, or at the Quarter-Sessions, shall for the first Offence, forfeit all their Provisions so bought, &c. and suffer Imprisonment the Space of three Months, for the second Offence,

shall forfeit double the Value of the Provisions so bought, &c. and suffer six Months Imprisonment, and for the 3d Offence shall forfeit all his own Goods and Chattels, and suffer nine Months Imprisonment. All which Forfeitures shall go, one half to the Informer, the other to the Publick Use of the Island.

IV. This Act shall be given in Charge at the Quarter-Sessions for the strict Inquiry after the Breaches thereof.

V. *Act 207.* None shall sell, barter, or dispose of any Beef, Pork, Fish, Salt, or other dead Victuals or Provision brought to this Island, before the Seller maketh Oath before the next Justice of Peace that the same was really, and *bona fide* consigned from some Foreign part beyond the Seas to him, or that he did himself bring the same to this Island from beyond the Seas. And whoever shall offend against the Tenour of this Act, shall be deemed a Foretaller.

VI. Every Person described to be a Foretaller, Ingrosser, or Regrator, by the Stat. 5. *Edw.* 6. shall be in this Island deemed and judged such an Offender. And such Persons shall be bound to appear, at the Election of the Informer, either at the General, or any Quarter-Sessions, in the Summ of 50 *l.* Sterl. and his Sureties in 20 *l.* Sterl. each. And if at the said Sessions, any such Person be found guilty, he shall for the first Offence forfeit the Summ of 30 *l.* Sterl. for the second Offence 60 *l.* Sterl. and for the third Offence stand on the Pillory two hours, and also forfeit all his Goods and Chattels. One half of all which Forfeitures to be to the Informer, the other to the publick Use of the Island. The Informer may sue for any of the said Forfeitures, in the Court held for the Precincts of *St. Michael*.

VII. None shall be twice punish'd for one Offence. Nor shall this Act extend to Hucksters, and Market-People, who sell Provisions in small Quantities in Market-Towns.

VIII. It shall be sufficient for Persons whose perswasions will not give them leave to make oath, to produce a sufficient Witrnets to testifie the Tenor of the Oath in this Act appointed, so as the same be recorded.

IX. None shall buy any dead Victuals or Provisions afore-mentioned, when landed, and carry off the same into any Ship, Boat, or other Vessel, with apparent Intent

to transport it from this Island, upon Penalty of forfeiting the Ship or Vessel with its Guns, Tackle, &c. together with the same Victuals or Provision.

X. If the said dead Victuals shall not be discovered, and seized before it be sent from this Island, then the Party sending shall forfeit 5 *l.* Sterl. for every Barrel of Beef, and Pork, or every hundred of Fish, &c. one Moiety to the Informer, the other to the Publick; unless the same be for the necessary Use and Provision of such Ship or Vessel's Company and Passengers.

XI. The Clerk of the Market of this Island, his Deputy or Deputies shall take due Care that this Act be duly observed, and prosecute the Offenders, upon the Penalty of losing their Offices.

G.

Ginger.

I. **ACT 165.** None shall bring, deliver, send, receive or take into any Ship, or Vessel, any uncured Ginger, to be transported off this Island, upon pain to forfeit all such Ginger so ship'd or put on board, one half to the Governour, the other to the Informer. Any two Justices may convict the Party offending by the Oaths of two Witnesses or his own Confession, and levy the Forfeiture by their Warrant of Distress.

II. The Offender shall also be committed to Prison, upon Conviction, there to remain for the Space of one whole Year.

III. Every Commander of a Ship or other Vessel, who shall take on board his Ship or Vessel any uncured Ginger, contrary to this Act, shall for such Offence forfeit 10000 *l.* of Muscovado Sugar, and suffer one Years

Imprisonment. The said Forfeiture to be levied by Warrant of Distress under the Hands and Seals of two Justices of Peace, before whom Conviction shall be made, one half to the Governour, the other to the Informer.

IV. If any Master of a Ship, &c. hath now taken or received on board any uncured Ginger, he shall with all convenient speed land the same, that it may be restored to the Owners. And in case he shall neglect or refuse so to do, and shall transport the same, then the said Master, whenever he returns to this Island, shall upon Conviction, be committed to Prison for the Space of one Year.

V. A Justice of Peace refusing or neglecting his Duty enjoined by this Act, shall upon Conviction at the Quarter-Sessions, forfeit 10000*l.* of Muscovado Sugar, to be levied by Warrant of Distress, to the Use of the Fortifications of this Island.

VI. The Governour is desired, and impowered, to appoint Waiters and Searchers, who may go on board any Ship or Vessel, and there search for all such uncured Ginger; and if any such be found, seize the same, and give notice thereof to the two next Justices of Peace, that further Proceedings may be made.

VII. When a Master of a Ship, &c. gives Bond in the Secretary's Office not to carry off any Person unlawfully from this Island; it shall also be inserted in the Condition of the said Bond that he shall not take on board his Ship, &c. any such prohibited Ginger. And if he refuse to sign such Bond with the said Clause inserted, he shall be debarr'd trading here. And the Secretary or his Deputy shall be diligent and careful to insert the said Clause in the said Bond to be signed by every Master of a Ship, &c. upon the Pain and Forfeiture of 10000*l.* of Muscovado Sugar, to be levied in manner aforesaid, for the Use of the Fortifications.

Governour.

I. *Act 442.* Five hundred Pounds *per An.* shall be duly paid out of the publick Treasury of this Island, by two equal Payments, to such Person as the Governour, *Ralph Grey, Esq;* shall appoint, for the Rent of such Habitation as he shall think fit to hire.

II. *Act*

II. *Act 443.* The Summ of 2000 *l.* current Money of this Island, shall be paid by the Treaſurer, out of the Duty ariſing by the Excise of Wines, to the Honourable *Ralph Grey, Eſq*; his Executors or Adminiſtrators, as a preſent for, and towards his better ſupport in the Government. And his Maſteſty is humbly beſought to grant his Warrant or Order for the ſame.

H.

High-Ways.

I. *ACT 23.* The Veſtry-men in the ſeveral Pariſhes within this Island, ſhall meet on the third Monday in *January* yearly, at their Pariſh Church, and there elect four ſubſtantial Free-holders, ſeized of 20 Acres of Freehold, or 30 of Leaſe-hold, to be Surveyors, for one Year next coming.

II. Upon failure, of the Veſtry, the Juſtices at the next Quarter-Sessions ſhall nominate the Surveyors.

III. Every Perſon ſo elected and appointed Surveyor, ſhall undertake the Office, and within ten Days procure himſelf to be ſworn before a Juſtice of the Peace, diligently and faithfully to execute the Office of Surveyor of the High-ways in that Pariſh for the Year enſuing, and make a faithful Account. If any reſuſe to accept of the ſaid Office, and to procure himſelf to be ſworn, he ſhall forfeit 1000 *l.* of Sugar.

IV. Such Surveyor being ſworn ſhall within ten days after, view the High-ways, broad Paths, and common Bridges, Water-courſes, Streets and Cauſways, and common Nuſances in the ſaid Ways, in their reſpective Pariſhes, and conſider the Charges neceſſary for amending the ſame, upon pain of forfeiting 200 *l.* of Sugar.

V. They shall within six days after give publick notice in the Church, for the Vestry to meet and make an Assesment for the purposes aforesaid, who are thereupon authorized to assess the Parishioners in Labourers, or Goods, or both, as their several Proportions in Land will admit, not exceeding for ten Acres, one Man for two days, or 10 *l.* of Sugar; and for dead Goods, the same Proportion for 100 *l.* Sterl. value.

VI. In case the Vestries shall not meet, or not agree upon an Assesment within two days after their appointed time of meeting, the Surveyors themselves shall make a Rate in writing according to the abovesaid Directions. Which Rates so made by the Vestry, or Surveyors, and confirmed by one Justice of Peace, shall stand good unless altered by the Justices at the Sessions, upon Complaint for Inequality.

VII. Where High-ways or broad Paths are not 60 Foot wide in standing Wood, 40 Foot at least where standing Wood is on one side, and 20 Foot at least in open Ground, or where the Hedges are not plashed as occasion requires, and the High-ways kept clear from Trees, Bushes, &c. the said Surveyors shall by Warrant under their hands, enjoin the Occupiers of the Land to see the same performed; and in case they shall neglect to perform the same within ten days after, and be thereof convicted before any one Justice of Peace in that Precinct, then every such Person shall be fined by the said Justice 1000 *l.* of Sugar to be paid to the said Surveyors, and Commitment till paid. Which shall be employed to the opening the said Ways, &c.

VIII. Every Parishioner that fails to pay his Rate to the Surveyors of the High-ways for the space of seven days after notice for payment thereof, shall pay double.

IX. The Surveyors shall yearly summon the Neighbourhood to send to the Place appointed so many Labourers as they are assess'd, with such Tools as are convenient; and Defaulters shall pay for each day 20 *l.* of Sugar, to be levied by Distress, by Warrant under the Hands of the said Surveyors, or any two of them.

X. Surveyors or any two of them, may dig for Stone, Gravel, &c. in any Wast or Common within the Parish, or if not there to be had, upon any private Man's Pasture,

sture, or other Grounds not imployed with Canes, Cotton, Tobacco, Indigo, or Ginger; with convenient Way for sending for the same at seasonable times, reasonable satisfaction being made as the Parties shall agree upon, or in case the Parties cannot agree, then as the next Justice of Peace shall set down and appoint.

XI. Two Surveyors may press any Wain with six Oxen, or Cart with five Horses, for Carriage, every Cart or Wain to have two Men to go with it. The Owner of such Wain, &c. to be allowed in deduction, for each day, the Labour of 12 Men out of his Assessment, and in case the said Owner's Tax will not amount to so much, the Overplus shall be paid by the Surveyors, in Sugar.

XII. None shall plant or make Fence, by any Highway-side, of any Broad-prickle pair-Bushes, or Pimpeloes, and such as are already planted shall be removed within three Months, upon pain of forfeiting 300 *l.* of Sugar, every three Months if not removed.

XIII. Ditches, and Water-courses, in or near Highways shall be amended by the Surveyors, the Ditches dress'd and scoured, and the Water-courses stop'd and turned.

XIV. Where there is occasion to alter old, or lay out new High-ways, with a strait Path to such Plantations as want it: The two next Justices of Peace, upon Information by the Surveyors, shall issue their Warrant to the next Constable, to impanel a Jury of the Neighbourhood, who are impowered to allot and lay out the same, according to the Dimensions before express'd. A Juror summoned and neglecting to appear, or refusing to perform his Duty, shall forfeit 300 *l.* of Sugar; and the Constable, if faulty, the like Penalty.

XV. All Summs or Quantities of Sugar arising by Assessment, and Issues forfeited by Jurors, and all Fines and Amercements by this Act arising, shall be imployed and bestowed by the Surveyors for doing such Work as is hereby appointed to be done and performed, and shall be levied by the Surveyors or Constables, by Warrant from any Justice of Peace within the Parish, by Distress and Sale of Goods, and for default of Distress, and Non-payment for ten days, the Party to be committed till he pay the double, and Charges incurred.

XVI. Suit commenced against any Constable or Surveyor of the High-ways, shall be laid in the proper Precinct. The Defendant may plead the general Issue, and give the special Matter in evidence; and if what was done appears to be in pursuance of this Act, the Jury shall find for the Defendant. If the Plaintiff be non-suited or discontinue, the Defendant shall have his full Costs, and also 1000 *l.* of Sugar more for the unjust Trouble and Vexation.

XVII. Every Surveyor shall, within one Month after the Expiration of his Year, yield to the Vestry of his Parish a true and perfect Account of all his Receipts and Payments by reason of his Office, and pay the Overplus (if any be) to the next Surveyors. And upon refusal or neglect so to do, any one Justice of Peace may commit such Surveyor to the common Gaol, untill he shall make such Account and Payment as aforesaid, with satisfaction for the Damage sustained by his neglect. But if the said Justice finds such Account good, it shall be allowed, and the Surveyor never afterwards questioned or troubled.

XVIII. All Gate-places in publick Roads, shall be at least ten Foot wide between Post and Post; and there shall be made at the Charge of the Owner of the Land where such Gate shall be, a good Causeway or firm Gravel path, of the wideness of the Gate, and to extend in length 20 Foot of each side the Gate. He that neglects to make such Gate, of such wideness, and such Causeway as aforesaid, shall forfeit 2000 *l.* of Sugar, and as much for every three Months after till he hath made the said Causeway; and if he neglects to repair it within 20 days after he is ordered to do it by the Surveyors, he shall forfeit 1000 *l.* of Sugar.

XIX. Surveyors shall remove all Rails put up in any common High ways. And whoever sets up such Rails hereafter, he shall forfeit for so doing 200 *l.* of Sugar.

XX. Owners of the Land on each side such old ways that are of a narrower scantling than by this Act is required, shall make a firm and sufficient Causeway, or Gravel path, between the Fences, broad enough for two Carts to meet and pass, and also enter into Bond of 100 *l.* Sterling, constantly to keep the same in good Repair. Then and in such Case the Surveyors shall forbear to break

break down the said Fences, or widen the said way, any thing in this Act notwithstanding.

XXI. Upon all extraordinary occasions of Charge in reparation of High-ways, Paths or Bridges in the Parishes nearest the Sea, reasonable Contribution shall be made by the Parishes further off who have the Benefit of such Reparations, as the Justices of Peace at the general Sessions shall judge reasonable.

XXII. A Justice of Peace who shall refuse his Duty as required by this Act, shall upon Conviction before the Commander in chief, or any two of the Council, forfeit 10000 *l.* of Muscovado Sugar, for the Use of the High-ways where the Default was made, and Commitment till payment.

XXIII. All former Acts concerning High-ways made void and null.

XXIV. *Act 131.* Justices of Peace at their Quarter-Sessions, or the Vestries of each Parish, may nominate, constitute and appoint, as to them shall seem meet, any chief Over-seer, Attorney, or Agent, living upon any Plantation of 60 Acres or more, whose Owner is not at that time resident within this Island, to serve as Surveyors of the High-ways, or Constables.

XXV. And in case such Over-seer, &c. shall refuse to be sworn, and officiate by himself or Deputy, he shall forfeit out of his own proper Estate 2000 *l.* of Muscovado Sugar, to be levied by Distress; and in case he hath no Estate to that Value, he shall be committed till payment, or performance of his Duty.

XXVI. All Forfeitures by this Act arising shall be employed towards the Maintenance of the Poor of the Parish, where the Offence is committed.

Hogs.

I. *Act 8.* Every Inhabitant of this Island may kill or cause to be killed, any Hogs that come into his Provision, Ground, Canes, Cotton, Ginger, or Tobacco, and when killed, weigh, appraise, and dispose of the same as he pleaseth. But,

II. If he knows the Owner he shall pay him what they shall be appraised at, deducting the Damage he hath sustained.

III. The

III. The Appraisement of any two next Free-holders shall be sufficient.

IV. In case the Owner be not known, he shall nail up the marked Ears of the Hogs 14 days in a publick Place, that the Owner may be found out.

V. If such like Damage be done by Horses, Cattel, Affineroes, Goats, or Sheep, the Party damnified may impound the same according to the Laws of *England*, and likewise get the two Free-holders as aforesaid, to view and adjudge the Damage, which being set under their hands and sworn to, shall be sufficient Evidence to a Jury at a Trial upon a Replevin.

VI. The Party damnified shall be allowed 2 *l.* of Sugar *per* day, for every head during the time he lawfully keeps the Distress.

I.

Imprisonments.

I. *ACT* 438. Any who are or shall be committed for criminal Matters (except for Treason, or Felony plainly and specially express'd in the Warrant of Commitment) may move and pray by petition the chief Baron of the Exchequer in this Island, or any of the chief Judges of the several Courts of Common-Pleas, for a Writ of *Habeas Corpus*, which shall be granted within 48 hours after such Application, directed to the Person who hath the Custody of such Prisoner; which being served upon him, or left at the place where such Prisoner is, the said Person who hath the Custody of the Prisoner, shall within 12 hours after such Service of the Writ, upon tender of Charges, not exceeding 12 *d.* *per* Mile, and Security given to pay the same, and not to make an escape

by the way, bring or cause to be brought the Body of such Prisoner before the said Baron or Judge who granted the Writ, and then also certifie the true Cause of his Detainure or Imprisonment.

II. The Judge before whom such Prisoner shall be brought, shall discharge him from his Imprisonment upon his Recognizance with Sureties to appear at the Court where his Offence is properly cognizable, and certifie the Writ, Return, and Recognizance, to the same Court, unless it appear to the said Judge that the Prisoner is not bailable.

III. If such Baron or Judge as aforesaid, upon view of the Copy of the Warrant of Commitment, or oath made that a Copy was denied, shall deny to grant such *Habeas Corpus*, or having granted such Writ, shall refuse or delay to discharge the said Prisoner as by this Act directed, he shall forfeit 500 *l.* Sterling to the Party grieved, his Executors, &c. to be recovered in any Court of Record within this Island, wherein no *Essoign*, &c. or stay of Prosecution by *Non vult ulterius prosequi*, shall be allowed.

IV. No Provost Marshal, or other Officer whatsoever shall imprison, keep in Custody, or detain, any of His Majesties Subjects above 12 hours, unless by *Mittimus* in writing setting forth the Cause, upon Penalty of forfeiting 500 *l.* Sterl. to the Party so detained. And upon such wrongful Imprisonment or Detainure the chief Baron, or any Chief aforesaid, shall upon Application to him or any of them, immediately issue his Warrant, commanding the Provost, or other Officer so detaining, to bring the Prisoner before him, and the said chief Baron, or chief Judge shall immediately discharge the said Prisoner without Bail, or paying any Fees. And if the said Provost or other Officer shall refuse or neglect to obey the Warrant, the Baron or Judge who granted the same, shall commit him to the common Gaol, there to remain for six Months. If the Baron or Judge shall upon request refuse to grant such Warrant, or discharge the Prisoner, as by this Act directed he shall forfeit 500 *l.* Sterl. to the Party grieved.

V. No Person enlarged upon *Habeas Corpus* shall be imprisoned again, unless by the Court where he is bound to appear. And if any shall imprison again any Person so enlarged, he shall forfeit 500 *l.* Sterl.

VI. If

VI. If any Provost Marshal or other Officer to whom such Writ of *Habeas Corpus* is directed, refuse or delay to return the said Writ, or bring the Prisoner according to the Command of the same, or refuse a true Copy of the Warrant of Commitment for six hours after demand, he shall forfeit to the Party grieved 500 *l.* Sterl.

VII. There shall be yearly held within this Island two Courts of general Sessions, or Courts of Oyer and Terminer, and general Gaol-Delivery, one to begin on the 2d Tuesday in *December*, the other on the 2d Tuesday in *June*, yearly, the Charge to be born out of the publick Treasury not exceeding 100 *l.* Sterl. each Sessions.

VIII. If any of His Majesties Subjects shall be committed for Felony or Treason, so as he cannot have his *Habeas Corpus*, and shall not be indicted and tried at the next general Sessions after his Commitment, or upon his Trial shall be acquitted: In such case the chief Baron, or one of the chief Judges, shall upon application made to him, set at liberty the Prisoner, upon Bail, in like manner as is before directed where the Commitment is not for Treason or Felony plainly and specially express'd in the Warrant.

IX. Such Baron or Judge refusing or delaying to do his Duty herein, shall forfeit to the Party grieved 500 *l.* Sterl. The like Penalty shall be incurr'd by the Provost Marshal, or other Person who shall have the Prisoner in Custody, and shall refuse or neglect to do his Duty herein, and he shall also be committed to the common Gaol for six Months.

X. Nothing in this Act shall extend to discharge any out of Prison that is imprisoned for Debt, or by Decree or Order of Chancery, or any judicial Proceedings of any Court of Record in this Island.

XI. None shall be sued or molested for any Offence against this Act, unless it be within three Years after the Offence committed, in case the Party grieved be not then in Prison, or if so, then within three Years after his Death or Delivery out of Prison.

XII. The Baron or Judge who grants the *Habeas Corpus*, shall take for himself or Clerk's Fees no more than 2 *s.* 6 *d.* and for the Recognizance 2 *s.* 6 *d.* The Provost Marshal shall take for every Commitment 5 *s.* for every Bond the Prisoner signs 1 *s.* 3 *d.* for the Copy of the *Mitimus* 1 *s.* 3 *d.* and no more.

XIII. Any

XIII. Any Person who shall be sued for any Offence committed against the Form of this Law, may plead the general Issue, and give the special Matter in Evidence.

Incroachments.

Act 32. Whosoever shall incroach upon his Neighbours line within the old Bounds, or cut down any Corner, or marked Trees, directing in the Lines, or other Trees out of his Bounds, shall forfeit for every such marked, and Corner, or Timber, Tree so cut down 500 *l.* of Sugar, and for every other 100 *l.* of Sugar, all which shall be recovered to the Party suffering, by Action of Debt, in any Court of Record within this Island.

Judges.

I. *Act 79.* All proceedings hitherto done by the several Judges and their Assistants, by Virtue of their Commissions under the private Seal of *William Lord Willoughby of Parham*, Captain General, and chief Governor, shall be as valid and effectual as if the publick Seal had been affixed to the said Commissions.

II. *Act 430.* It shall not be lawful for any Judge in this Island, to plead or practise in any of the Courts within the same, any former Usage or Custom notwithstanding.

Judgments.

Act 303. Where any Attorney of the Courts of Common-Pleas in this Island, shall have any Warrant to confess Judgment before such a Judge that is since the giving of the same, dead, or removed from the Precinct where he was Judge at that time, he may by Virtue of such Warrant, confess Judgment for such Summ of Money or Sugar as in the said Warrant is contained, before the present Judge of that Precinct where the Judgment is to be confess'd. Which Judgment so confess'd shall be as binding, and effectual in Law as if confess'd before the Judge
named

named in the Warrant. And the Attorney so confessing, is hereby indemnified for so doing.

L.

Laws.

I. *ACT* 55. All such Acts and Statutes as have been made and published in this Island, or confirmed by any Governour and Council by virtue of any Commission from K. *James I.* K. *Charles I.* or K. *Charles II.* or with the Assent and Consent of the Representatives of this Place legally called, which stand unrepealed by any Authority aforesaid, shall be in full Force and Virtue in this Island. And all Acts and Statutes made by any other Authority, are utterly void and of none effect.

II. *Philip Bell, Robert Hooper, Constant Sylvester, Simon Lambert, John Jennings, and Richard Evans, Esqs;* and Mr. *Edward Bowden* Secretary, appointed to collect and compile all Acts and Statutes in force as aforesaid, and them cause to be fairly entered and inrolled by the Secretary in one Book by themselves. Which Acts and Statutes so entered and inrolled, and none other, shall be taken and esteemed the Acts and Statutes in force made in this Island.

III. One fair Copy of all the said Acts shall be fairly writ out, attested by the Secretary, and sent to the Minister of the Parish of *St. Michael*, to be by him publish'd in his Parish Church the next Sunday, and from thence transmitted from Parish to Parish to the End it may be publish'd in the other ten Parishes of this Island, the ten next succeeding Sundays. The said Copy to be conveyed

to the several Ministers of the Respective Parishes by the Provost Marshal or his Deputy, who shall return the same attested, and published to the Clerk of the Assembly, to be by him kept.

IV. Nothing in this Act shall give liberty to any Person to assign Error against the Jurisdiction of any Court in this Island, held before the 28th of *February* last past, (*viz.* Feb. 1666.)

V. The present Governours subscribing their Names to this Act, shall be deemed as effectual as if the publick Seal (which cannot at present be had) were thereunto affixed. (Past, 1666.)

VI. *Act* 1. The Commissioners above-named (*S. 2.*) certifie (18 *July* 1667.) the Laws by them collected, and contained in 153 sheets of Paper, to be the Laws of publick Concern ; and that all the private Laws ought to be enrolled, and ought to be of force from their several Dates.

VII. By an Act past, 7 *Sept.* 1698, and printed in the beginning of the Act at large, though not numbered, it is enacted that the Body of the Laws collected by *William Rawlin*, Esq ; present Clerk of the Assembly, containing the Laws of this Island (except private Acts) be forthwith transmitted to *England* in order to the printing thereof ; that the said Book of Laws when printed, shall be deemed and held a good lawful Statute-Book of this Island of *Barbados*, and that any other Impression of the said Laws made by any other Person, and hither imported, shall be of no force or validity.

VIII. Also that every Person who shall import and expose to sale any of the said Statute-Books not printed by the said *W. Rawlin* or his Assigns, shall forfeit for each Book the Summ of 40 s. half to the King, and half to the said *William Rawlin*. And the said *W. R.* or any other Clerk of the Assembly for the time being, shall have full Power and Authority to print all Laws and Acts, which shall be pass'd for the future.

Lawyers and Law-suits.

I. *Act* 142. None shall imploy or entertain in any one Cause more than two Attorneys upon pain of 2000*l.* of Sugar, and to be committed to the Marshal of the Court

Court where the Cause is trying for the present, and then to the Provost Marshal till payment.

II. Upon taxing any Bill of Costs the Court shall allow no more than 100 *l.* of Sugar in a plain Cause, and 200 *l.* of Sugar in any special Cause, for Lawyer's Fees. And if the Client be willing to pay Money, it shall not be refused at 12 *s.* 6 *d.* per Hundred of Sugar.

III. No Attorney shall refuse to plead any Man's Cause whatsoever (if not retained against him) upon tender of such Fee as aforesaid, with respect to his Oath, nor take more Fees than allowed, nor offend against this Act in any particular, upon pain of being debarred from ever pleading in any Court of this Island.

IV. Every Attorney shall take an Oath before he be admitted to plead in any Cause whatsoever, *To do no falsehood, nor consent to any to be done in this Court, and if he know of any to be done, to give notice thereof to the Judge and his Assistants, that it may be reformed, to delay no man for Lucre or Malice, nor increase Fees, but be contented with, and not directly or indirectly take more than the set Fees of this Act, to plead no foreign Plea, nor sue foreign Suits unlawfully to hurt any man, but such as stand with the Order of Law, and his Conscience, not wittingly or willingly to sue, cause or procure to be sued, any false Cause or Suit, or give Aid or Consent to the same, upon pain of being expelled this Court for ever. And further to demean himself in the Office of Attorney within this Court according to his Learning and Discretion.*

M.

Market.

I. **ACT 335.** Upon Attachment of any *Negro* Slaves, Cattel, Coppers, Stills, or other Chattels, by Virtue of any Execution for above 100 *l. Sterl.* or that value, notice in Writing shall be set up four Days at the fartherst after the Attachment, upon the Court-Door of every Precinct, of the Goods and Particulars so attached, and the place and time where and when they are to be Sold, which Sale shall be at sometime between ten and fourteen Days after Attachment.

II. When the *Negroes*, Cattel, and other Chattels aforesaid shall be brought to Market, the Debtor may dispose the Goods so attached into Lots, as he shall think most convenient for his Interest. If he neglect or refuse, the Marshal shall do it, not exceeding the number of five *Negroes* to a Lot, unless there be more than five of one Family of *Negroes*. Also the Marshal shall not Sell above five Head of Cattel, and one Copper, and one Still, in one Lot, unless otherwise appointed by the Debtor. Other Chattels shall not exceed the value of 50 *l. Sterl.* in each Lot.

III. No Outcrys of Sales shall be made in any place, but in open Market only, except Timber, Sugar pots, Dwips, and other heavy Goods too troublesome to be removed out of the Plantation.

IV. The Marshalls Fee for levying Execution, shall be computed at 12 *s. 6 d.* in Money, for 100 *l.* of Sugar, in commuting, and no more.

V. Every Officer in this Island shall set up in his respective Office, a fair Table of Fees allowed him by Law; or forfeit for every Months neglect of so doing 10 *l. Sterl.* half to the King, half to the Informer.

VI. Whatsoever Officer shall exact, or extort for Fees more than by Law is allowed, he shall forfeit 50 *l. Sterl.* half to the King, half to the Informer, and upon Conviction, be ever after incapable to execute that Office.

Militia.

I. *ACT* 437. Every Freeman inhabiting this Island not serving on Horseback, shall be listed a Soldier on Foot, and provide himself with one Red Coat, Black-hat, Musquet, Sword or Bayonet, Cartridge-Box fill'd with Cartridges, fitted with Powder and Ball, or one Coller of Bandaleers, and shall always have by him one pound of Powder, and four pound of Musket Bullets.

II. Every Inhabitant of this Island posselt of Land, shall find a Man for every 20 Acres, so provided with Arms, &c. as every Freeman serving on Foot. Except those who have but 20 Acres, and serve in Person.

III. Every two Tenants appearing compleat in Arms for the Landlord, shall be deemed Equavalent to three common Freemen or Servants, serving either on Horse or Foot.

IV. Every person posselt of 100 Acres of Land or more, shall furnish and set forth one able Horse man'd and compleatly arm'd; and for 160 Acres, two such Horses and Men: and so one Horse and Man for every 100 Acres he hath more. With Pistols, Carbine, &c. and a pair of Shove Boots, or Spring Boots, &c. Each such Horse set forth with compleat Arms and Furniture, shall excuse two Foot Soldiers.

V. Every Freeholder or Freeman, if he have a sufficient Horse of his own (though he be not posselt of 100 Acres) shall provide himself with Arms and Ammunition, and attend his Officers on Exercising days, and shall therefore be excused two Foot Soldiers.

VI. All persons appointed by this Act to serve on Foot, shall appear compleat in Arms, at such times and places as shall be appointed by their respective Officers, with four Charges of Powder and Ball, and all Defaulters herein (without a reasonable excuse) shall forfeit, for every Default of appearance, 5 *s. Sterl.* for every day *per* Man, or every night if the Service be for the night only. And all persons appearing, but not compleatly armed

armed and cloathed according to this Act, shall forfeit, for every Musquet wanting 2 s, Sword or Bayonet 2 s. Cartridge-Box or Bandileers 2 s. Red Coat 2 s. 6 d. For want of four Charges of Powder and Ball 1 s. &c.

VII. The respective Colonels in this Island, shall appoint fit persons of their Commissioned Officers, to inspect each Mans Stores within their several Divisions, who shall return the Names of the Offenders against this Act, to the Colonels of every respective Regiment, under the Penalty of 30 s. And the said Colonels shall make due Report of all such Returns to the President and Council, or Commander in Chief, every two months, under pain of 50 s. to be levied by Warrant, under the Hand and Seal of the President, or Commander in Chief, directed to the Provost Marshal.

VIII. Whosoever shall neglect to appear with Horse or Horses, in proportion to his Land, man'd and equipt as by this Act is enjoyn'd, at such time and place as his respective Officer shall appoint (without a reasonable excuse) shall forfeit for not appearance 10 s. for every day, or for every night, if the Service be for the night only, for appearing not compleatly armed for want of Pistols and Holsters 5 s, Flask or Cartridge-box 2 s, Sword 2 s, Carbine, Belt and Swivel 5 s, Boots and Spurs 5 s, for every pound of Powder he should have in Store by him 5 s. 6 d, and every two pound of Bullets 1 s. to be levy'd by the Marshal of the respective Regiment, &c. All such Attachments to be fully executed within ten weeks, next after the Default of the Delinquent, otherwise void. The Overplus, if any be, to be return'd to the Party from whom taken within ten days from taking the Distress, or the Marshal to forfeit double the value of the Overplus.

IX. The respective Colonels shall Sign Execution against Defaulters, and issue Warrants of Appraisement for two Freeholders, to appraise the Goods and Effects, and give the same under their Hands upon Oath; which Oath the Marshal is authorized to administer.

X. If the Marshal or his Deputy shall not discover any Goods, or Estate of the Delinquents; whereupon to levy satisfaction for the Forfeitures aforesaid, then by Warrants from the said respective Collonel, he shall apprehend the Body of the said Delinquent, and him bring before the said Colonel, who for Non-payment, shall send the

Delinquent with a *Mittimus* to the Provost Marshal of the Island, there to remain in safe Custody, till delivered by due Course of Law.

XI. If a Troop or Company be summoned unto Arms, and no Commissioned Officer be there present to perform the Duty, no Default of any other person shall be for that time Finable, but the Commission Officers shall be in such case Fined, a Captain of Horse 20 s, Lieutenant 15 s, Cornet 10 s, Quarter Master 7 s. 6 d. The like Sums for the Officers of Foot, upon due Proof before the Colonel.

None shall be return'd, or levied upon, for not sending his Complement of Men, who sends all the Servants and Tenants he hath, or can procure on the Terms in this Act.

XIII. None shall be obliged to give more than 9 l. *Sterl. per annum*, to any Servant during the present War with *France*, and if a Servant prove unfit for Service, and not deserve the Wages aforesaid, the Master, having proved the same before the next Justice of Peace, and having his Certificate thereof, may lawfully dismiss the said Servant, and not be deemed a Delinquent according to the Purport of this Act.

XIV. Where any Servant or other Soldier, who serves for another, makes any of the aforesaid Defaults, which are not chargeable upon the Person for whom he serves, the Colonel may give such Offender Corporal Punishment (if the Fine be not paid at the Exercising day) by lying Neck and Heels, running the Gauntlet, or riding the wooden Horse, not exceeding one hour.

XV. Persons summon'd as Appraisers, and not appearing, or refusing to make Appraisement as aforesaid, shall forfeit 30 s, to be levied by Warrant from the Colonel directed to the Marshal or his Deputy. All which Fines the Marshal of Horse or Foot may retain to their own use.

XVI. The Colonel of the Life-Guard, shall have like Power to issue Warrants to his Marshal, in the same manner as Colonels of every respective Regiment have.

XVII. All persons that are of the Council, and all Field-Officers in Commission, shall be allowed and abated out of their Proportion enjoyned by this Act, two Horses each, whereof his own riding Horse to be one. All Gentlemen of the Assembly, all that have been of
the

the Council, all that are or have been Chief Judges, and all that have born Commission as Field Officers, and resident within this Island, shall be allowed out of their proportion one Horse. But none are to take this privilege in more than one Capacity only.

XVIII. All members of the Council are exempted, from all military Duty in their own persons, unless such as bear a military Command.

XIX. Every Gentleman of the Assembly, all Chief Judges and their Assistants, all that have been Members of the Council, all that have served, as Field Officers but are out of Commission, all Justices of Peace are exempted, all military Duty in their own persons, except in case of Alarms, but are then enjoined to appear on Horseback so armed, as by this Act is required of others, under like Penalties for Non-appearance and other Deficiencies, as others are subject to. And during this present War Justices of the Peace, and the Assistants of the several Courts, shall appear armed in the respective Troops of the Division wherein they live, on all days of Exercise, but shall not be liable to Patrols at no other times, than upon Alarms or actual Invasion.

XX. No other person of what Account soever (except as before excepted) shall be freed, or exempted from personally riding his own Horse, or serving on Foot when legally required for strengthening the Militia, in the defence and preservation of this Island.

XXI. All Apprentices of Merchants, Artificers and others, that are deemed fit for his Majesty's Service shall be forthwith Listed in the Company, in whose Division they reside. Provided such Apprentices or Artificers, shall be by the Colonel of the Regiment Billited proportionably upon persons that want Servants for the number of their Acres, and the persons for whom they shall serve, shall furnish them with Accoutrements, Arms, and Ammunition.

XXII. Every person Inlisted to serve, either on Horseback or on Foot, and appearing on Summons, if he shall refuse or neglect to perform such military Duty as shall be required from him, or shall depart his Colours, or his Guard with his Arms without Leave, he shall be Fined 20 s, and in case he do not pay the same, at or before the next day of Exercise, he shall receive moderate Corporal Punishment, by lying Neck and
Q 3 Heels,

Heels, running the Gauntlet, or riding the wooden Horse, not exceeding one hour.

XXIII. Persons inlisted and removing their abode, shall forthwith cause themselves to be inlisted in the Company or Troop where they go to abide, and bringing a Certificate thereof to the last Captain, he shall upon the Receipt thereof, give them a Furlow for their Discharge. And whoever neglects his Duty herein, shall incur the Penalties for Non-appearance in the Company or Troop where he was first inlisted.

XXIV. Every poor Freeman, whether hired to any person or otherwise, shall duly appear in Arms in the Company wherein he is Listed, and diligently serve for the space six Months next following his Listing, and if he hath not of his own, he shall be provided with Arms and Ammunition, by the person by whom he lives or works, and if he breaks, spoils or looses such Arms, he shall make satisfaction for the same to the Owner, either in Money or Goods, or by Service. And in case of Refusal, he shall be committed to the Gaol, by the Colonel or Commander in Chief of the Regiment, there to remain till he conform.

XXV. Such as wilfully and obstinately refuse to appear themselves, or send Men according to the proportion of their Land, shall forfeit for the first Offence 10 s. for each Horse and Man in Arms he ought to send, for the second Offence 20 s, and for the third Offence 30 s; and every person that shall not appear, or send to the Foot, shall forfeit for the first Offence 5 s, for the second 10 s, and for the third 15 s.

XXVI. He shall have Execution levied upon him, for not appearing or sending Horse or Foot, as by this Act appointed, and notwithstanding shall wilfully, and obstinately continue not to send any, shall be deemed a Refractory person, and shall forfeit for the first, second and third Offence, as above exprest, and after the third Offence the said Forfeiture to begin again, as for the first Offence, and so on to the third, until he do appear, or send his proportion of Horse and Men. And the Colonel or Commander in Chief of the Regiment, shall issue Execution directed to the Marshal.

XXVII. If any Soldier in time of Service or Exercise, shall strike or threaten his Officer, shall begin, raise, or abett, any Mutiny or Disturbance among his fellow Soldiers,

diers, he shall forfeit and pay 20 *l. Sterl.* to be levied by the Marshal, for the use of his Majesty to the Repairs of Fortifications; or for Default of Payment in ten weeks, the Offender shall be moderately punished by the Colonel, by running the Gauntlet, lying Neck and Heels, or riding the wooden Horse at discretion.

XXVIII. Alarms in case of Invasion, shall be given and set forwards, by a certain number of Ships to the Forts, or other Vessels to the whole Island, or by firing Guns, beat of Drums, discharging three Musquets distinctly, ringing of Bells, blowing Shells, sending Messengers, hanging out white Cloaths on the Top fans of Windmills by day, and Lights by night, and so from one Mill to another, till it hath past through the whole Island, as the President and Council shall think fit to appoint.

XXIX. The President is desired to place Guns upon *Lesly's-Hill*, *Ramsay's-Hill*, the Mount, *Brigg's-Hill*, for the speedy carrying on of an Alarm. And if any person shall fail (after publication made) of setting forward the Alarm by the Signs to him appointed, he shall forfeit for every such Offence six months Imprisonment. If the Alarm be to the Forts only, all persons appointed for the Defence of the said Forts, are immediately to repair to their Colours, and if the Alarm be to the whole Island, all persons of what Degree or Quality soever, are to repair to the Colours, or Place of meeting appointed. Any person may upon sight of seven Ships give an Alarm to the Towns, and of twelve Ships or more to the Country.

XXX. Every Man (not excused by this Act) personally in this Island, of the Age of 15 years, shall appear in Arms at his Post, as by this Act appointed upon Alarms, and whosoever wilfully fails shall forfeit, every Footman 5 *l.* and so for every twenty four hours the like Sum till discharged, for every Horseman 10 *l. Sterl.* to be levied by the Colonels Warrant, and to be paid into the Hands of the Treasurer of the Island, reserving out of the same 10 *l. per Cent.* to the Marshal.

XXXI. The Colonels or Commanders in Chief of every Regiment, shall within one month after an Alarm, give a true List of all Executions they Sign'd for Defaults, to the Treasurer, the better to enable him to Charge the Marshals of the Regiment therewith, who are hereby required to pay the same into the Treasury of

this Island, within ten weeks after the Date of this several Executions. And Defaulters may by Order of the Colonel, be brought by a Guard to the Post, where they ought to have appear'd, there to be employ'd as Pioneers, or otherwise at the discretion of the Colonel.

XXXII. All Commission Officers shall be excused of one Horse and Man, of those which he is to send according as appointed by this Act, to serve in the Troop to which he belongs, during the time of his being in Commission.

XXXIII. Masters and Servants, or Freemen serving for them, who are detained on Guard all night, shall send down such Provisions ready drest as are needful for them; in Default thereof the Officer shall supply them, and the Defaulter to forfeit, for every such Default 2 s. 6. d. besides Charges, for each Soldier every twenty four hours. The said Fines to be paid to the Officer who commanded the Guard, to reimburse him, and the Overplus, if any be, to be distributed among the other Soldiers there in Service.

XXXIV. Upon approach of an Enemy, the Colonel, or Commander in Chief of every Regiment, may press Horses, Cattel, Harness, and Drivers for the Field Guns, and Carts, Horses, and Cattel for any other Service, and also Boats, and *Negroes* for Pioneers, and Victuals in case of necessity; for all which the respective Owners shall receive recompence out of the publick Treasury.

XXXV. Every Servant that shall manfully behave himself in Fight against the Enemy, and produce a Certificate thereof from any Commission Officer, shall be free from all future Service towards his Master or Mistress, and whatsoever *Negro* shall so behave himself, and prove the same by Oath of any creditable Witness, shall receive yearly a Livery, Coat and Hat from the Publick, and white Servants allowance of Victuals from their Owner.

XXXVI. If a Servant or *Negro* shall be kill'd, lost, or disabled in the Defence of the Island, the Loss or Damage of such *Negro* or Servant, shall be paid for to the Owner, out of the publick Treasury. If any poor Freeman or Servant shall be disabled, he shall receive during his Life, or abode in the Island, 10 l. *Sterl.* yearly out of the publick Treasury; if he be a married Man, then he shall receive for the maintenance of himself and Family

Family 15 *l.* yearly. If he lose his Life in the Service, his Widow shall receive during her Widowhood 10 *l.* *Sterl.* yearly.

XXXVII. Every Inhabitant that is bound to find a Horse or Horses, shall with each Horse send one able Man-slave (if he hath one) armed with a Bill and Launce, with a black Hat and red Jacket upon every Alarm of Ships. Also every person posselt of 40 Acres of Land, shall in like manner send one able Man-slave upon Alarm of Shipping, to be under such Discipline and Command, as the Governour or Commander in Chief shall direct. Defaulters herein shall forfeit, for each Slave he shall not send 50 *s.* *Sterl.* to the King.

XXXVIII. Whosoever shall spread any false Alarm, not having just Ground or Warrant so to do, shall suffer such Penalties, as the Governour and Council shall think fit to impose, not exceeding 500 *l.* Currant Money.

XXXIX. Persons supposed to offend against this Act, may apply themselves to the Colonel of the Regiment, who hath power to examine Witnesses upon Oath, and give Redress according to the Merits of the Cause, except where otherwise appointed by this Act.

XL. Such as are unfit to bear Arms in their own Persons, whether superannuated or otherwise, and having no Land, yet if they be esteemed to have a personal Estate of 200 *l.* *Sterl.* or *Negroes* of that value, every such person shall find one Foot Soldier, and if he keeperh a Horse, he shall find a Horse manned and compleatly armed.

XLI. Head Overseers of Plantations, to which belong more than six *Negro* Men, are excused from being enlisted or made lyable to serve.

XLII. All Losses of Servants in the Militia, *Negroes*, Slaves, Horses, or Cattel, shall be allow'd and paid for to the proper Owner out of the publick Treasury. And 30 *l.* *Sterl.* shall be esteemed the value of each *Negro*, Man or Slave that shall be lost in the publick Service.

XLIII. None shall be a Field Officer, or General Officer, unless he be known to have 100 Acres of Land of Inheritance at the least within this Island, and no person shall be admitted a Captain, unless he have an Inheritance of Freehold of 40 Acres at least. And no Field Officer, or Commission Officer, shall demand or receive any

any Pay or Reward for any Duty or Service, or for any Expence he hath been at, but that all such shall bear their own Expence and Charges. Provided, such Gentlemen whose Parents have considerable Estates in this Island may be Captain, Lieutenant, or Cornet, or Ensign of Horse or Foot, and the respective Parent of such Son shall be abated one Horse out of his proportion, the Son living with his Parent, and serving at his, or her Charge. Provided also, this Act shall not disable any person to be in Commission, who are Gentlemen of considerable Estates in any Towns of this Island.

XLIV. The several Troops and Companies, shall meet one day in every Month in time of War, and one day in every two Months in time of Peace, to be Disciplin'd, and no oftner, unless upon credible Advice of some intended Invasion. Also the President, and Council may command any Companies, or Troops to guard any Bay or Bays of this Island, if any Vessel or Vessels, under the number appointed for an Alarm, shall Land, or attempt to Land in any of the said Bays, or be justly suspected the King's Enemies; or for prevention of any intestine Commotion or Insurrection. Provided, the said Companies or Troops, shall not continue longer upon the Duty than 48 hours, unless by Advice and Consent of Major part of the Council.

XLV. Provided, that for the Honour of the Commander in Chief for the time being, a Company may attend him to Church, and a sufficient Guard at the time of the Grand Sessions, or a convenient Part of the Militia may be raised for the Honourable reception of any Governour, and also upon any extraordinary and publick Occasion, by and with the Advice, and Consent of the Council. Provided also, that Horse Patrols do Duty, as formerly, every *Saturday Night*, *Sunday*, and *Sunday-Night*, and other Holy-days as usual.

XLVI. In whatsoever Division the Mansion-house of any person shall stand, in that Division himself, and all the Men and Horses required of him by this Act, shall serve, and in no other.

XLVII. Men of insufficient Abilities to maintain themselves in Arms, shall by the Captain of each Company and Troop, be Billeted upon Landed men in the same Division, which Landed men shall find them Horses, Arms, Ammunition, and Provision, and pay 7 *d. ob. per day*

day to each person so serving. And in case of refusal of such Payment, the Commander in Chief, or Captain aforesaid, shall levy upon the said Landed men, 5 s. for each Default, one half to the Marshal who makes the same, the other to the Party grieved.

XLVIII. The Clauses in this Act concerning the Incouragement of Freemen, Servants, and *Negroes* (*Sup. S. 35, 36.*) shall be published in each Parish Church, on the first *Sunday* in *June*, and every first *Sunday* in *December*; the Minister that neglects so to do, shall forfeit 50 s. to the use of the Poor of the Parish.

XLIX. If any Marshal shall in Distraining for any Fine, commit any Injury to the person Distrained, beyond the power by this Act to him given, and shall not leave a Certificate of the Goods distrained, the person grieved upon his Application to the Colonel, shall be redre, by Execution against the Marshal, to the next Constable. And if the Marshal appeareth to be greatly in fault, the Colonel shall commit him to Gaol without Bail, for one Month, and Fine him 5 *l. Sterl.* to the King, for the use of the Fortifications. If upon the Party's complaint to the Colonel, he give him no Redress, then the Party may commence his Action at common Law against the Marshal, whose complaint being made out to be just and true, the Jury shall give him treble Damages, and the Court double Costs. The Plaintiff to commence his Action within six Months after the Injury done, and if the Plaintiff doth not make good his Action, double Costs shall be Taxt against him, for his unjust Vexation.

L. Two Field Pieces well mounted and fix'd, with all Necessaries, shall be provided at the publick Charge, for each Regiment of Foot.

LI. Articles of War, or Military Laws, made by the President and Council, or Commander in Chief of this Island, shall not commence till an Enemy sufficient, to cause an Alarm to the whole Island, appear in sight, and shall cease as soon as the Enemy shall go out of sight. The said Laws to be duly publish'd, and a Copy hung up at every Court of Guard.

LII. Whosoever shall after eight a Clock at Night, Fire, or permit to be fired, any Gun small or great, shall forfeit 2 s. 6 d. (except it be in his own Defence, or in case of Alarm) If the party be insolent, the next Justice of

of Peace shall bind the Offender, if a Christian to the Quarter Sessions, if a Slave, order him such a corporal Punishment as the Offence deserves.

LIII. Whosoever shall refuse, or neglect his Service on Patrols, being thereunto required by his Captain or Commander, shall forfeit 20 s. to be levied by the Marshal.

LIV. Persons aggrieved by false and undue Returns, may have their Action at common Law, in the Precinct where the Officer, who made such false Return resides, the Action to be entred in thirty days after Execution levied, and if the Officer shall be found guilty of such false Return, the Jury shall give 5 *l. Sterl.* for Damages, and Court award the Plaintiff 3 *l. Sterl.* in Costs, and no more. But if the Plaintiff doth not make good his Action, the Court shall Tax treble Costs for the Officer.

LV. The Party whose Goods are attached by the Marshal upon an Execution Signed by the Colonel, shall apply himself within ten days after to the Colonel, who is hereby required to order the Goods, to remain in the Delinquents hands, he giving Bond to the Marshal in double the value of such Execution, that he will bring the aforesaid Action within one Month at farthest, and that if the Action shall not be found for the Plaintiff, then the Complainant shall within five days return the Goods to the Marshal, or pay the value, which if not performed, the Marshal shall recover the whole Penalty of the said Bond, with common Costs.

LVI. All Acts heretofore made concerning the Militia of this Island, declared Null and repealed. *Past 1697.*

Ministers.

I. *ACT* 20. Attachment shall issue for levying all Arrears of Salaries, or Stipends, Asselt for the use of each respective Minister in the Parish where he executes his Ministerial Function, on the Estates and Goods of such as owe the same.

II. A Levy shall be made and asselt, by the Vestry and Church-wardens of one pound of Sugar *per Acre*, on the Land of every Freeholder in the Parish, to be collected and paid into some convenient Store-house for the Ministers use, and so continue yearly.

III. In

III. In regard the price of Sugars is lately fallen to a very low value, the Vestry and Church-wardens may impose a further Tax as to them shall seem convenient, out of which they may give or allow such additional Supplement to their Minister, as with the pound *per Ann.* may yield a comfortable Livelyhood and Incouragement.

IV. Every Minister in his respective Parish, shall keep a true Register of Christenings, Marriages, and Burials (the Church-wardens providing a Book for the same) and certifie the same into the Secretary's Office, in the Month of *March* yearly. And for failing herein, he shall forfeit 1000 *l.* of *Muscovado* Sugar for every such Default, half to the publick Treasury, and half to the Informer.

V. The Master of a House or Plantation, two Miles or more from his Parish Church, if any person Deceases in his House, and the Corps cannot conveniently be carried to the Parish Church-yard there to be Inter'd, shall give the Minister the Christian and Sirname of the party Deceased within one week, and pay him 3 *l.* of Sugar, or 6 *l.* for Registring the same, under Penalty of 500 *l.* of Sugar.

Money.

I. *ACT* 3. All Pieces of Eight, *Sevil*, *Mexico*, and Pillar Pieces, shall be valued, and pass Currant in Payment in this Island, at the rate of 5 *s.* per Piece, currant Money of *England*, and all half and quarter Pieces, and Ryals, and all sorts of *Spanish* Coyn, shall pass in like proportion.

II. Whosoever shall refuse to receive the aforesaid Coyn, in Payment at the rates aforesaid, shall upon Conviction before the next Justice of Peace, be bound to his Good Behaviour till the next General Sessions, and there answer for his Contempt by Indictment, or otherwise.

III. *Act* 129. Whosoever hath, or shall have any light Pieces of Eight, half Pieces, quarter Pieces, or single Ryals, consigned to him from *England*, or elsewhere less in weight, or of a baser Alloy than usual, and shall offer to pay, or sell them to other Persons, he shall forfeit the said Coyn to the Publick, and suffer six Months imprisonment in the common Gaol.

IV. If

IV. If any such person hath already paid, or disposed of any such Coyn, he shall, under the Penalty aforesaid, receive the same back again, and return satisfaction for them.

N.

Negroes.

I. *ACT* 94. All *Negro* Slaves shall be held, taken, and adjudged to be Estate Real, and not Chattels, and shall descend to the Heirs, and Widow of any person dying Intestate, as Lands of Inheritance in Fee-simple.

II. Provided no person, Selling or alienating any of his *Negroes*, shall be obliged to cause such Sale to be Enrolled, as is required in the Alienation of other real Estates.

III. This Act shall not extend to any Merchant or Factor bringing *Negro* Slaves to this Island, or having the Consignment of such, but that their Executors, Administrators or Assigns, may hold, possess, and enjoy, such *Negro* Slaves till Sale shall be made of them.

IV. *Act* 178. Declared, that by the true meaning of the foregoing Act, *Negroes* may be sued for, and recovered by Action personal, as before the making of that Act. Also *Negroes* continue Chattels for the payment of Debts. To all other Intents and Purposes they shall be deemed real Estates.

V. *Act* 329. No Master or Owner of *Negroes*, or other Slaves, shall give them Leave on *Sundays*, or any other time to go out of their Plantations, except such as usually wait upon them, and wear a Livery, and no others except with a Ticket under the Masters hand, specifying the

the time allowed, &c. upon Penalty of forfeiting for every such permission 2 s. 6 d. half to the Publick, and half to the Informer. And if any Master of a Plantation, &c. finds any *Negro* or Slave on his Plantation without a Ticker or Business from his Master, and doth not punish him with moderate whipping, he shall forfeit 10 s.

VI. Any Person may apprehend a *Negro* or Slave that shall be found out of his Masters Plantation at any time, especially Saturday-nights, Sundays, and Holy-days, not being on their Master's Business, or having a Ticker, or not having a White-man with them (except as before) and the said *Negro* or Slave correct with moderate whipping; and giving notice to the Master, &c. detain the said *Negro* or Slave till the said Master, &c. pay the said Person that took him up 2 s. 6 d.

VII. If any such *Negroes* or Slaves be armed with Clubs, Wooden-swords, or other mischievous Weapons, and found out of their Master's Plantations, though with a Letter or Ticker, they may be taken up, disarmed and whipped, and the Party that doth it shall receive the same Reward as aforesaid.

VIII. Whatsoever Master, &c. shall suffer his *Negro* or Slave at any time to beat Drums, blow Horns, or use any other loud Instruments, or shall not cause his *Negro*-Houses once a Week to be search'd, and if any such things be there found, to be burnt, or shall suffer any publick Meetings or Feastings of strange *Negroes* or other Slaves in his Plantation, he shall forfeit 40 s. Sterling. The Information or other Suit for the same to be within one Month.

IX. Every Overseer of a Family, shall cause all his *Negro* Houses to be searched once every 14 days, for Run-away-slaves, Clubs, Wooden-swords, and other mischievous Weapons, and also for Cloaths, and other Goods not honestly come by, and what they suspect to be stoln they shall seize, and give notice thereof to the Clerk of the Parish within six days, who shall set up a short note of the same on the Posts of the Church-door, whereby the Loser declaring the Marks and Description, may have the Goods again, under penalty of 20 s. for neglect in any of the particulars aforesaid.

X. Persons suspected to trade with Slaves for stolen Goods, shall enter into Recognizance before two Justices of

of Peace, not to trade with any Slaves contrary to the Laws of this Island, and any such Person being afterwards suspected of having Goods unlawfully come by, he shall be obliged to make reasonable Proof at the Quarter-Sessions how he came by the same, or his Recognizance shall be forfeited.

XI. If any *Negro* or Slave strike or offer any Violence to a Christian, he or she shall for the first Offence be severely whipt by the Constable, by Order of the next Justice of Peace, for the second Offence be severely whipt, his Nose slit, and be burned in the Face with a hot Iron, and for the third Offence receive such greater Punishment as the Governour and Council shall inflict. Provided such striking be not in the lawful Defence of his Masters or Owners, their Family, or Goods.

XII. All Slaves shall have Cloaths once every Year, viz. Drawers and Caps for Men, and Petty-coats and Caps for Women, upon pain of forfeiting 5 s. for every Slave not cloathed as aforesaid. One third part to the Informer, the other two to the Poor of the Parish.

XIII. Such as take up any Run-away *Negro*, or Slave, not knowing the Owner, and shall bring him to the Provost Marshal or his Deputy, shall receive 10 s. Sterling from the Treasurer; and in case he shall refuse to make the said Payment, and Oath thereof made before a Justice of Peace, the Value shall be immediately levied out of the Goods of the said Treasurer, and delivered to the Party.

XIV. The Provost Marshal shall keep in the Cage the Body of such Run-away, till the Owner pay to the Treasurer 11 s. Sterl. and to the Provost Marshal 4 d. for every 24 hours such Run-away-slave hath been in his Custody. And the Turn-key shall have 6 d. for every *Negro* delivered. The Provost Marshal to furnish the Slave with sufficient Food and Drink.

XV. If any such Slave die for want of Food, the Provost Marshal shall be responsible to the Owner: If the said Marshal suffer any Slave to escape, he shall pay to the Treasurer 11 s. and make satisfaction to the Owner, and if the said Marshal suffer any Slave to be otherwise employed than in the Cage, before due deliverance, he shall forfeit to the Owner 5 l. Sterl.

XVI. Such as shall apprehend and bring any Run-away-slave to St. Michael's Town, unto the Treasurer,
or

or to the Cage, shall deliver upon Oath an Account of his Name, and when and where he apprehended such fugitive Slave, and that he knew of no Ticket the Slave had, nor of his Owner. And the Keeper of the Cage at the Delivery of such Slaves shall take a Receipt of the Person to whom delivered, with a Description of the Slave delivered.

XVII. Whosoever shall tempt or perswade any *Negro* or Slave to leave his Service, with intent to carry him away, and be thereof convicted, he shall be by the two next Justices of Peace (one *Quor.*) adjudged to pay to the Master of the said *Negro* or Slave, 25 *l.* Sterl. And if the party shall not have Lands, Goods, or Chattels to the Value, then shall he be adjudged to serve the Party injured for five Years, and delivered over to him, of which a Record shall be made: But if any *Negroes* or Slaves so attempted shall be actually conveyed away, or sent off the Island, the Offender if apprehended and convicted, shall be condemned to pay the Owner three times the Value of such Slaves, and Execution for the same from the said two Justices shall issue accordingly, and if the Offender hath no Estate, he shall be ordered to serve as aforesaid.

XVIII. When any heinous Crimes, as Murders Burglaries, Robberies, Rapes, Burning of Houses or Canes, Stealing, wilfully Killing, and maiming of Cattel, &c. shall be committed, or attempted to be committed, by any *Negroes*, Slave or Slaves, the Criminals being apprehended and brought before two Justices of Peace, they shall by their Precept call to them three able, good, and legal Free-holders of the Neighbourhood where the Crime was committed, and these five Persons shall hear and examine the Evidence, and if upon Proof, or violent Circumstance, they shall find the *Negro* or Slave guilty (the said Free-holders being sworn) they shall give sentence of Death, and forthwith by their Warrant cause Execution to be done, by some *Negro* pressed for that purpose.

XIX. If any Free-holder refuse upon Summons to appear before the Justice, or to join with them, without sufficient Cause, he shall be fined 50 *s.* forthwith to be levied by the next Constable.

XX. If any Person shall send off his *Negro* that hath killed another *Negro*, he shall pay unto the Master the Value of the *Negro* killed.

R

XXI. If

XXI. If any *Negro* or Slave steal or destroy any Goods or Chattels, Canes, or green Corn, of any other Person than his Masters or Mistresses, under the Value of 12*d.* he shall be brought before a Justice of Peace, and if he appears to be guilty by Proof or probable Circumstances, he shall be publickly and severely whipped, not exceeding 40 Lashes, and the Justice shall cause the Owner of the *Negro* or Slave to make satisfaction to the Party injured. If the same Slave be a second time found guilty of the like Crime he shall have his Nose slit, and be branded in the Fore-head with a hot Iron, and the Owner shall make satisfaction to the Party injured double the Value; and if such *Negro* or Slave be afterwards accused of any the foresaid Offences, he shall be tried in such a manner for Murther, Burglary, &c. and being found guilty a third time, he shall be adjudged to suffer Death, or other Punishments as the Justices please. And in case the Justices and Free-holders neglect or refuse to perform the Duties by this Act required of them, they shall severally forfeit 25 *l.* Sterl.

XXII. If any *Negroes* or Slaves shall raise or make any Mutiny or Rebellion, or conspire so to do, a Colonel and four Field-Officers (appointed by the Governour) shall meet in Council and proceed against them by Marshal Law, and punish them by Death or other Pains as they think fit.

XXIII. In all Cases where any *Negro* or Slave shall suffer death, those who condemn him shall enquire of his Value, and also the Damage of the Party injured, and certify the same (not exceeding 25 *l.* for any one *Negro*) to the Treasurer, who shall pay out of the Value the Damages to the Party injured; and the Over-plus to the Owner, and if no Party injured, then the whole to the Owner of such *Negro* or Slave, out of the Treasury.

XXIV. The Condemners of such *Negro* or Slave shall also enquire what allowance of Provision and other necessaries, such *Negro* had from his Owner, and if it shall appear that such *Negro* or Slave might have been induced to the Offences committed for want of reasonable and accustomed Provision, the Owner shall not be paid any thing out of his Value as aforesaid.

XXV. If the Treasurer shall not make satisfaction, and Payment to the Owner, having the Governour's Warrant for the same, the Party injured may have his
Action

Action of Debt against the Treasurer for the same, in the Court of St. Michaels, &c.

XXVI. No Person of the *Hebrew* Nation residing in any Port-Town of this Island, shall keep or imploy more than one *Negro* or Slave, Man or Boy, except such as are Denizon'd by the King's Letters Patent, who are to keep no more than for their own Use, under pain of forfeiting every *Negro*, Man or Boy, more than allowed, one Moiety of the Value to the King, the other to the Informer.

XXVII. Any Justice of Peace, Constable, or Captain, that shall have notice of the Residence, or Hiding-place, of any Run-away *Negroes*, or other fugitive Slaves, may raise and arm Men, not exceeding 20, and apprehend them dead or alive, and for every *Negro* or Slave run away above six Months, taken alive, they shall receive 50 s. Sterl. if run away above 12 Months 5 l. from the Master of the said *Negro*, &c. if killed in taking, they shall receive 50 s. from the Publick.

XXVIII. If any *Negro* or Slave under Punishment by his Master or his Order, for any Crime or Misdemeanour towards his said Master, shall unfortunately suffer in Life or Member, no Person shall be subject to any Fine therefore. But if the Master shall of Wantonness, or Cruelty, wilfully kill his own *Negro* or Slave, he shall pay to the Publick Treasury 15 l. Sterl. if he kill another Mans, he shall pay double the Value to the Owner, and 25 l. Sterl. to the Pub. Treasury, and be bound to good Behaviour during the Governour's Pleasure. He that kills another's Slave by Accident, is only liable to the Owner's Action at Law.

XXIX. Any Person killing a *Negro* or Slave by Night out of the Road or common Path, and attempting to steal his Goods, he shall not be accountable for it.

XXX. All Forfeitures arising by this Act shall be to the King for the Use of this Island, according to such proportion as is appointed. All above 5 l. Sterl. shall be recovered by Bill, Plaint, &c. in a Court of Record. All of 5 l. or under, by Execution from any Justice of Peace, as in the Case of Servant's Wages. The Suits to be commenced within 30 days.

XXXI. This Act shall be read in all Parish-Churches the first Sunday in *February*, and first Sunday in *August*. yearly.

XXXII. All former Acts relating to the Governing of Negroes, repeal'd. *Past* 1688.

XXXIII. *Act* 378. Whatsoever *Negro* or Slave shall hear another *Negro* or Slave speak any words tending to Mutiny, or Rebellion, or that shall have or prepare any Gun-powder, Ball, Sword, or Warlike Instrument, than what are allowed for watching, and shall discover the same to any Justice of Peace, the said Justice, and one other next Justice, shall cause the Slave accused to be apprehended, and if they find the Accusation just, the said Slave shall be tried by Field-Officers as above directed (S. 22.) and if he be found guilty and condemned to death, the Field-Officers shall appraise him as appointed (*Sup.* S. 23.) and shall also appraise the *Negro*-Accuser at his or her full Value, which Summ shall be paid by the Treasurer to the Owner of such *Negro* or Slave-accuser, who shall be thereupon declared free, and freely transported to such Place as he shall desire: But if he had rather stay in his Master's Family, and not be free, he shall receive from the Treasurer 40 s. to his own Use.

XXXIV. A *Negro* or Slave not making good his Accusation shall have such Punishment, not extending to Life or Member, as the Justices or Field-Officers shall think fit.

XXXV. *Act* 379. If any *Negro* or other Slave, having lived in this Island one whole Year, shall run away and continue absent from his or her Service the space of 30 days, such *Negro* or Slave shall suffer death for the same, being tried and valued as above directed. (S. 18. 23.)

XXXVI. *Act* 382. Whosoever shall sell any Rum or other strong Liquors to any *Negro* or Slave, or to their Use, and being convicted by the Oath of one Christian before the next Justice of Peace, he shall forfeit 40 s. half to the Informer, and half to the Poor of the Parish.

XXXVII. If any white Person shall buy any Rum or other strong Liquor for any *Negro* or Slave, he shall forfeit 20 s. for every such Offence, or receive 10 Lashes on the bare Back, by order of the next Justice. The Whipper to receive 15 d. to be paid by the Church-Warden.

O.

Officers.

I. *ACT* 2. No Treasurer, or Marshal, either Provost or Particular, shall be admitted or capable to execute the Office, without having first put in Security to the Secretary for the time being, for his honest and just Demeaner in the said Office.

II. *Act* 3. None shall be received into the Office of a Clerk of a County-Court, till sworn before the Governor for his true and faithful Performance of his Duty, and that he shall make true Entries, and not rase, deface or imbezel any Action, Order or Record, &c. without Direction and Assent of the Judge. And further, until the said Clerk hath given Security to the Judge of the Court, to satisfie any Party injured by his Behaviour such Damage as he shall thereby suffer.

III. This Act shall not privilege any Judge, Justice of Peace, or other Person, to add, or alter, rase or imbezel any Record, kept in any Court of this Island, upon the Penalty of the Laws of *England*.

IV. *Act* 69. The chief Judge of any Court of Common-Pleas within this Island, shall have free Liberty to choose, constitute and appoint any sufficient Persons whom he thinks meet to be, and officiate as Clerk and Marshal of the said Court.

V. If any of the said Clerks and Marshals shall take any greater Fees than in this Act express'd and allowed, (*for which see the Act at large*) and that proved before the Court, he shall forfeit his Place, and be fined not exceeding 1000 *l.* of Sugar for each Offence.

VI. The Judges shall have for every Warrant 6 *d.* or 4 *l.* of Sugar; and for every Execution 2 *s.* 6 *d.* or 20 *l.* of Sugar.

Dut-Cries : Vid. Market.

P.

Papists.

I. *ACT 254.* All Persons inhabiting within this Island, that shall bear any Office Civil or Military, or shall receive any Pay, Sallary, Fee or Wages, by reason of any Patent or Grant, as in the Act of Parliament in *England* (25 *Car. 2. ch. 2.*) is expressed, shall personally appear in the Court of Chancery, or in any one of the Courts of Common-Pleas in this Island, and there in publick and open Court before the 10th of *April* next, take the Oaths of Supremacy and Allegiance, and subscribe the Declaration following. *I, A. B. do declare that I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof by any Person whatsoever.*

II. Every Person admitted into any Office or Trust before mentioned, shall within two Months after such Admission, do as above express'd.

III. Such as neglect so to do shall incur the same Penalties which are appointed by the Statute above mentioned, to be recovered in the Court of Common-Pleas where the Offender liveth.

IV. Upon due Tender of any Person to take the said Oaths, and Declaration in the respective Courts aforesaid, the said Courts are required and enjoined to administer the same. (*Past 19 Feb. 1678.*)

Parishes.

I. *Act 295.* Where any Part of the Line between Parish and Parish is obscure and doubtful, the Church-Wardens of either Parish applying themselves to the Governour

vernour, he shall grant an Order to the two next Justices of Peace, having no concern in either Parish, to cause so much of the Line as is doubtful to be run out by some able Surveyor, and the said Justices shall cause the Church-wardens of the said Parishes to see such Line laid out, and summon all such Evidences as are requisite for clearing upon Oath any doubts concerning the said Line.

II. The Charges to be born by both Parishes, in such Proportion as the said Justices shall appoint.

III. If any Witness fails to appear upon summons, so that the Controversie cannot be decided, another Meeting shall be appointed at the Charge of the Witness so failing.

IV. Where by virtue of the Line so run as aforesaid, either Parish obtains an Increase of Land which it had not before, such Land shall be obliged for the future to pay all Parochial Taxes and Duties in that Parish it becomes a Member of, and not else-where.

V. The Church-wardens and Vestries of the several Parishes in this Island shall make with all convenient speed, a good Wall, Pale, or other decent and strong Fence about the Church-yards belonging to each Parish, with good Gates or Passages into the same. And lay such Levies for that purpose as shall be needful.

Pious Use.

I. *Act 240.* Mr. *William Trowel* of the Parish of *Christ-Church*, Planter, having by Deed indented dated 10 April 1675. Settled six Acres of Land, and 30 Perches, with the Appurtenances in the said Parish, together with one *Negro-man*, and one *Negro-woman*, upon N. K. and R. S. Esquires, the present Representatives of the said Parish of *Christ-Church*, and their Successors, Representatives of the said Parish for ever, for the Support and Maintenance of five poor English-men of the said Parish, &c.

II. Enacted, that the said Deed is full and effectual for the purposes thereby intended, and shall be so judged, deemed, taken, and reputed.

Planters.

Act 48. All Planters possess'd of 20 Acres of Land or under, that shall sell any sort of Provisions of the Produce of this Island, shall have Power to prosecute any Person for any Debt accruing by such Sale, before any Justice of Peace within the Parish or Precinct, and recover the same in such manner as Servants and Labourers are impowred to recover.

Prisoners.

I. *Act 44.* All such Persons who are in Prison, and others that have no other way to satisfy their Creditors, shall if they will thereunto submit, be ordered by the Judge and Assistants of the Precincts where they live, to serve such of their Creditors that will give the greatest Wages *per Month*, till the Judgment against them, or Debts by them owing be fully satisfied.

II. Provided, the said Debts exceed not 2000 *l.* of Sugar, and that there be no fraudulent Contracts between the Debtor and Creditor.

Provost Marshal.

Act 65. It shall be in the Governour's Power to constitute and appoint any sufficient Person whom he shall judge meet, to be Provost Marshal of this Island, taking good Security for the just and honest Discharge of the Place.

Pyracy.

Act 306. Treason, PyracY, &c. committed on the Seas, or in any Creek, Haven or Bay, in or about this Island, shall be enquired, heard, and determined in this Island, in such form and manner as if committed on the Land, by the King's Commission impowring one chief Judge, and five other substantial Persons, to hear and determine the

the said Offences, after the common Course of the Laws of *England*, and the Stat. 28. H. 8. ch. 15. And such as shall be so convicted shall suffer Death, Loss of Lands, Goods, and Chattels, as if the said Crimes and Offences had been done on Land.

Q.

Quakers.

I. ACT 198. If any *Negro* shall be found with the People called Quakers, at any of their Meetings, as hearer of their Preachings, such *Negro* shall be forfeited, one half to him that shall seize or sue for him, (if he belongs to any Quaker) the other half to the Publick.

II. The Action shall be brought within three Months, upon this Statute, against the Owner, or supposed Owner of the said *Negro*. And upon all Judgments grounded upon this Statute, Execution to issue immediately.

III. If such *Negro* doth not belong to any of the Persons present at the said Meeting, then the Action may be brought against any Person present at the said Meeting, at the Election of the Informer, for the Summ of 10 *l.* Sterl. for every *Negro* so present as aforesaid, which shall be recovered and divided as before express'd.

IV. None shall teach School unless such Persons first take the Oaths of Supremacy and Allegiance, before some Justice of Peace of the Parish where he lives, or have special Licence from the Governour. He who does otherwise shall suffer three Months Imprisonment, and shall forfeit 3000 *l.* of Muscovado Sugar, half to the Informer, and half to the Publick.

V. No Person that hath not been an Inhabitant of this Island for the Space of 12 Months together, shall discourse or preach at the Quaker's Meeting, upon Penalty of six Months Imprisonment, and forfeiting 10000 l. of Muscovado Sugar, half to him that shall sue for the same, and half to the Publick.

VI. All Actions upon this Statute shall be brought within six Months after the Offence.

VII. *Act 429.* Every Quaker who shall be required upon any lawful Occasion to take an Oath, shall instead of the usual Form, be permitted to make his or her solemn Affirmation, or Declaration, in these words, *I, A. B. do declare in the Presence of Almighty God, the Witness of the Truth of what I say*; which said solemn Affirmation shall be of the same Power, and Effect, as if such Quaker had taken an Oath in the usual Form.

VIII. If such Quaker making such solemn Affirmation, shall be lawfully convicted, falsely and corruptly to have affirmed or declared any matter or thing, he shall incur the same Penalties and Forfeitures as by the Laws of *England* are enacted against Persons convicted of wilful Perjury.

IX. No Quaker shall by this Act be qualified to give Evidence in any criminal Cause, to serve on any Jury, or bear any Office or Place of Profit in the Government.

X. This Act to continue for the Space of seven Years, and no longer. (*Pass 1696.*)

R.

Rebels.

I. *ACT 355.* An Act passed here 1635. concerning the governing and retaining of Rebels convict, transported hither from *Europe*, repealed.

II. Pro:

II. Provided, all Persons who shall have benefit and freedom by this Act, shall not receive the Reward, as other Servants at the Expiration of their time usually receive, and shall be liable and obliged to serve in the Militia.

III. No Persons receiving benefit by this Act shall attempt to go off this Island without special leave. The Secretary of this Island is therefore not to grant a Ticket to any Person whatsoever without a Certificate from a Justice of Peace, that he is not one of those that by the Law repealed were called Rebels convict. And if any such shall attempt to go off without leave, he shall incur the like Penalties as by an Act *for the governing of Servants* (Act 21.) is appointed (*vid. inf. Servants, S. 30.*) Which Penalty of their Servitude shall be one third to the Prosecutor, and two thirds to the Publick.

Records.

Act 5. The Secretary shall draw an Exact List of the several Books of this Island, that the said Records may be transcribed with all convenient Speed, and kept by some able Man for the Preservation thereof: And what Records shall hereafter be made, shall be sent by the Secretary to the said Officer.

Religion. Vestries, &c.

I. The Book of Common-Prayer and Administration of the Sacraments, &c. according to the Use of the Church of *England*, shall be solemnly read by the Minister or Reader in every Church in this Province.

II. All Congregations and Places for the Publick Worship according to the Usage of the Church of *England*, for the Maintenance of whose Ministers therein officiating any certain Income or Revenue is or shall be established, shall be deemed settled Churches:

III. An Assessment of 40*l.* of Tobacco *per Poll*, shall be yearly levied upon every taxable Person in the respective Parishes, and paid to the Minister of each Parish, having no other Benefice to officiate in, presented or appointed by the Governour or Commander in chief.

IV. Every

IV. Every such Minister shall appoint and keep a Clerk of such Parish-Church, and pay him 1000 l. of Tobacco yearly, out of the said 40 l. *per Poll*.

V. No Minister, Priest, or Magistrate, shall join in Marriage any Persons contrary to the Table of Marriages under the Penalty of 5000 of Tobacco. Nor shall any Person forbidden by the said Table presume to be married under the like Penalty. The said Forfeitures to be to the King to the Uses herein after mentioned.

VI. In every Parish where a Minister shall reside, no Justice or Lay-man shall join any Person in Marriage, under the Penalty of 5000 l. of Tobacco to the King, as aforesaid.

VII. Every Minister shall receive of every Person or Persons by him married 5 s. Sterl. and no more. Provided such Person come to be married at the Church at the Time of Divine Service.

VIII. The Sheriff of each County shall collect and gather the said Assesment of 40 l. *per Poll* in each Parish in his County, in the same manner as the County-levies are collected, and pay the same to the Minister of the respective Parish.

IX. Select Vestries shall be in every Parish. Of which Vestry-men; the Number shall be six at least, and upon the Death, Resignation, or other Discharge of any of them, the remaining part of such Vestries shall with convenient Speed summon a general Meeting of all the Free-holders within the Parish that pay to the publick Charges of the said Parish, who shall by Majority of Votes elect one or more Free-holders of the respective Parish to supply such Vacancies. And the Person or Persons chosen shall take the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy, and the Oath *justly and truly to execute the Trust or Office of a Vestry man, &c.* Which said Oaths at the Election of a new Vestry are to be administred by any Justice of Peace, of the place where the Vestry is, and afterwards upon following Elections, either by a Justice of Peace, or the first Vestry-man.

X. Every Person so elected is likewise to subscribe the Test and Association, and then, and not before, shall be deemed and taken as one of the Vestry.

XI. Two

XI. Two new Vestry-men shall be annually chosen in the places of two others who shall be left out, to which purpose the Free-holders of every Parish shall meet yearly upon *Easter Monday*.

XII. Where any Minister shall be lawfully in Possession of any Living invested with the 40 *l. per Poll*, and residing thereon, he shall during such his Continuance, and no longer, be one of the Vestry of such Parish, and Principal of the same.

XIII. Every Vestry shall provide a fit Person for a Register, who shall keep a true Registry of the Proceedings of such Vestry, which Person shall take the Oaths substituted in place of Allegiance, and Supremacy, subscribe the Test and Association, with the Oath for the due and faithful executing of his Office. The said Register shall make true Entry of all Births, Marriages, and Burials (*Negroes and Mulattoes* excepted ;) and all Parishioners are to notify the said particulars to the said Register within two Months after the same shall happen, and at the same time pay him 6 *d.* for his entering it, under Penalty of 100 *l.* of Tobacco from the Person neglecting to give notice, and the like Penalty upon the Register for neglecting to enter it, having received his Fee for the same.

XIV. Such Register shall shew his Registry, and give a Certificate, to any Person, upon reasonable Request, receiving for his Fee, 6 *d.* for the Search, and 6 *d.* for the Copy or Certificate.

XV. Registries or Entries of Births, Marriages and Burials heretofore made with any Clerk of any County-Court, according to the Direction of the Laws then in force, are hereby ratified and confirmed.

XVI. The Vestry of every Parish shall, at the Parish Charge, provide a Book or Books (in case they be not already provided) within six Months, wherein to Register such Proceedings as aforesaid, under the Penalty of 500 *l.* of Tobacco each Vestry-man (the Minister only excepted) neglecting so to do.

XVII. The said Vestries shall meet once in every Month or as often as needful, upon publick notice given by the principal Vestry-man, to consult of performing the several Authorities reposed in them. And no Vestry-man personally summoned shall, without reasonable Excuse, absent himself under the Penalty of such Muiet as the
Resi.

Residue shall lay upon him, not exceeding 100 *l.* of Tobacco.

XVIII. Upon Default of the principal Vestry-man, to summon a Vestry when there is need, any other three of them (or if there be not so many, then two) may summon and appoint a Vestry. All such Omissions and Neglects to be Registred, and the Forfeitures incurr'd thereby to be recovered in the King's Name.

XIX. Where there is no Table of Marriages already put up in any of the Parish Churches, the respective Vestries shall within six Months at the most, procure such a Table fairly transcribed, and set up, and keep the same in their respective Churches, that persons may thereby be inform'd what Marriages are forbidden.

XX. The Vestry-men, and the rest of the Freeholders of the Parish, shall upon *Easter Monday* yearly, appoint two Freeholders of their respective Parish, to be Church-wardens for that Year.

XXI. Every Vestry-man (except as before) neglecting to procure a Table of Marriages, or to appoint Church-wardens, shall forfeit to the King 200 *l.* of Tobacco.

XXII. Which Church-wardens so chosen shall take the usual Oaths, and likewise an Oath, *Well and faithfully to execute that Office for the ensuing Year, &c.* To be administered by the Vestry.

XXIII. Any person so chosen a Church-warden, and refusing to serve, and take the Oaths aforesaid, shall be Fined 1000 *l.* of Tobacco to the King.

XXIV. The Church-wardens and Vestry, shall take constant care to pay the parochial Charges, and all necessary Repairs of their Parish Churches, Chappels, and Church-yards, out of the Gitts, Goods and Chattels coming to their hands for the Church and Parish use. Towards the payment of which parochial Charges, the Forfeitures and Mulcts by this Law incurr'd, shall be levyed by the Church-wardens in each respective Parish, and by them accordingly applied.

XXV. In case they have not sufficient Effects to pay Parish Duties as aforesaid, the Justices of the County Courts, upon Application to them made, may Assess the respective Parishes, not exceeding 10 *l.* of Tobacco, *per Poll* in one year. Which Assessment so made, and certified under the County Seal, shall be sufficient to the Sheriff of the County, to levy on the Taxables of such Parish,

Parish, in the same manner as other publick Dues are levied, he deducting not above 5 *per Cent.* for his Salary, and paying the residue to the Vestry, for the use aforesaid.

XXVI. No Minister, shall at one time hold more than two Parishes, nor two, unless by the Desire and Consent of both Vestries, and Appointment of the ordinary.

XXVII. Where there is not a Minister in any Parish, the Vestry may provide some sober and discreet Person as a Reader, and present him to the Ordinary, who may Sequester part of the 40 *l. per Poll* to pay him for such Service, who upon taking the said Oaths, Subscribing the Test and Association, and procuring the Ordinary's Licence, may read Divine Service, and Homilies, at the usual times, in the Church or Chappel, demeaning himself according to the Liturgy of the Church of *England*.

XXVIII. The first *Tuesday* in every Month, shall be fixt for holding a Vestry, at a Eleven a Clock Forenoon, at the usual place for that Purpose, without Notice. And the Major part of the Vestry-men then present (such Majority not being under three) shall Order, Direct, and Act in all things by this Act directed.

XXIX. In case any Vestry-man shall remove from the Parish, or Voluntarily absent himself, or otherwise become unfit or incapable, the Residue of the said Vestry, shall (after notice given of their Intentions) remove such person from being a Vestry-man, and proceed to a new Election, allowing the Party time, not exceeding a Fortnight, to make his Complaint if he thinks himself injured.

XXX. Every Parishioner, who contributes to the Publick Charges of his Parish, may require the Register, at convenient times, to give him an Inspection of the Vestry-Books, and Accounts of all their Proceedings, &c. and finding himself aggrieved, or the Parish injured, may appeal for redress to the Governour and Council of the Province, who shall examine and determine such Appeal, and their Order shall be Final; the right of Appeal to the King in Council always reserved.

XXXI. Protestants dissenting from the Church of *England* in Matters of Worship, and Quakers in Matters relating to Oaths, shall have the full Benefit, Ease, and Indulgences granted and allow'd, by an Act made, 1. *W.* and *M.* Entituled, *An Act for Exempting their Majesties*

sties Protestant Subjects, &c. from the Penalties, &c. And by another Act made 7, and 8, W. 3. Intituled An Act that the solemn Affirmation of the People called Quakers shall be accepted, &c. they conforming themselves in their meeting and assembling, and in all other things, to the Orders and Rules enjoined by the said Acts, &c.

XXXII. An Act made at the General Assembly held at the Port of *Annopolis* 1700, intituled *an Act for the Service of Almighty God, and Establishment of Religion in this Province according to the Church of England, Repealed.*

Repeal.

I. *Act 97.* An Act made 1661. *appointing particular Market-days in the Sea-Port-Towns, repealed.* Provided notwithstanding the selling Goods attached by Marshals upon Executions for Debt, shall be upon the Days and Times appointed. (*vid. Courts, S. 8.*)

II. *Act 338.* An Act past 1671, *to prevent Depopulation, repealed.*

III. *Act 431.* An Act past 1687. *for laying a Duty on shipping for building of Peers, &c. Repealed.*

Rocks.

I. *Act 402.* None shall break up, or carry away by Boat or otherwise, any Stones, or Rocks in any part of the Sea of this Island, within Musket-shot of Low-water-mark, under Penalty of forfeiting all such Boats or Vessels in which the same shall be carried, and for every Person employed in such Work the Person employing shall forfeit 6*l.* Sterl. the one Moiety to the Informer, the other to the Publick.

II. This Act not to restrain the taking of loose Stones wash'd up by the Sea over all such Rocks, and Shoals, where no Boat can pass.

S.

Sales.

I. **ACT** 214. Where any Attachment is made, or Execution levied, upon any *Negroes*, Goods, or other Moveables for the Satisfaction of any Parochial Assessment, or for any Servants or Labourers Wages, within the Cognizance of a Justice of Peace, such Effects shall be out-cried and sold between the first of *January*, and last of *September*, yearly, between the Hours used by the Courts of Common-Pleas (except for Servants Wages, for which Markets shall continue all the year) and every day in that time, shall be a Market-day, if the Justice, &c. so appoint.

II. Out-crys shall be at Market Towns, for the Precincts where the Goods are taken ; and where the Officer cannot meet with Goods, it shall be in the Election of the Vestry, or the Creditor, either to take the Person of the Debtor in Execution, or lay the same on his Lands, if he have any, which shall be Out-cry'd as Charrels.

III. If any person buy any Effects at any Market, and not pay for the same in the usual time, such Buyers shall incur the Penalties and Forfeitures accustomed in the Courts of *Common-Pleas*.

IV. Where any person is taken in Execution by force of this Act, it shall not be in the Power of the Officer, who hath him in Custody to let him go abroad with a Keeper, or without, under Penalty of paying double the Debt and Charges; unless the Debtor breaks Prison, or goeth out with the Creditors Consent.

V. Where the Body is in Prison, yet the Party's Estate real or personal, shall notwithstanding be liable to Execution.

VI. Upon all Executions upon Judgments, for Non-payment of the Duty of Excise, whatever shall be attached thereon, be the same Lands, Tenements or Buildings, they shall be deemed as Chattels, and sold by Outcry to him that will give most, which shall be as effectual to the Creditor and Buyer, as if there had been an Appraisement thereof.

VII. *Act 220.* All the Lands, Tenements, Hereditaments, *Negroes*, and all other the real Estates whatsoever, mentioned in the last Will of *Thomas Middleton*, Esquire Deceased, shall be vested in his Son *Benjamin Middleton*, Esquire, and his Heirs in Fee-simple. And all Remainders and Reversions expectant upon the said Lands and Premises, are for ever bar'd, and the said *Benjamin Middleton* and his Heirs are inabled to make Sale of all, or any part of the said Estate, to any person that shall purchase the same, to inable him the said *Benjamin* and his Heirs, to satisfie the Debts and Incumbrances upon the same. Provided, nothing in this Act shall prejudice any person who Claims any Legacy or Annuity, by the said Will of *Thomas Middleton*, or his Widow in her Joynture, Dowry, &c. or any other person Claiming any Right, Title or Interest, in the said Estate before the Death of the said *Thomas Middleton*.

VIII. *Act 251.* *John Plumley*, *Paul Plumley*, and *Sarah Plumley* Widow, and the Survivor of them, are empowered to Sell or Demise, or make any other Disposition of all, or any part of the Land, *Negroes*, Stock, or other the Estate of *William Plumley* Deceased, to any person or persons whatsoever.

IX. This Act not to prejudice the Right, Title or Interest of any person, who on the 12th of *July 1676*, had any Claim to the Premises or any part thereof.

X. If payment be not made to the Creditors of the said *William Plumley*, then all the said Estate shall be liable to the Satisfaction thereof, in the same manner, as if it had remain'd unsold and undisposed of.

XI. All persons that since the 12th of *July 1676*, have for valuable Considerations, *bona fide*, purchased any part of the Premises, shall by Virtue of this present Act enjoy the same against all Persons whatsoever.

XII. A due Distribution of the Surplusage of the said *William Plumley's* Estate, after Debts paid, to be made to the Legatees Widow and Children, of the said *Plumley* according to his Will.

XIII. *Act.*

XIII. *Act* 286. Where Attachments are made, or Executions levied upon Moveables for the satisfaction of any Parochial Levy or Assessment, or for Servants Wages, within the Cognizance of any Justice of Peace, such Effects shall be Out-cry'd and sold, as directed, *Sup. S. 1.* (*Act* 214.)

XIV. The Charges of Carriage, or driving to the Market Towns, and the Out-crys, shall be paid by the Church-wardens or Constables out of the attached Effects. Disputes about the Charge of Carriage shall be determined by a Justice of Peace.

XV. The rest is exactly the same, as is provided by the 214th *Act, Sup. S. 2, 3, 4, 5, 6.*

XVI. *Act* 364. *Wil. Sharp*, Esquire, Son of Colonel *Wil. Sharp*, Deceased, is impower'd to make a Sale in Fee-simple or otherwise, for the better enabling him to pay his Fathers Debts, and further Stocking the remainder of all such Lands that were his Fathers, which now lie wast and unimproved, over and above 414 Acres adjoining to the Sugar-work, which are to be reserved from Sale: And the Purchasers shall hold and enjoy the same, any thing to the contrary, in a pretended Will or Deed of Settlement notwithstanding.

XVII. *Act* 372. Certain Lands called *Brookhaven* Plantation in the Parish of *Christ Church*, formerly settled in Tail-male upon *John Kirton*, Gent. with divers Remainders over, shall be for ever hereafter vested in the said *John Kirton* in Fee-simple. And all Estate in Remainder or Reversion, Doek'd and Bar'd.

XVIII. The said *John Kirton* and his Heirs, are enabled to sell and convey all, or any part of the same, for the payment of his Debts.

XIX. Provided, that all such Monies as shall be raised by Sale of the said Plantation (except the Sum of 200 *l.* which shall be applyed towards satisfaction of the said *John's* Debts) shall be laid out in the Purchase of other Lands in this Island to the same Uses, and for such Estates, as the said Plantation was layed.

XX. This *Act* not to prejudice any just Claim, Right, or Title to the Premises Paramount to the aforesaid Settlement of the said Plantation.

XXI. *Act* 418. Certain Plantations, &c. in the Parish of *Christ Church*, formerly settled in Tail-male, and now in the Possession of *Philip Kirton*, shall be adjudged and deemed,

deemed vested and settled in the said *Philip* in Fee-simple. And all Estates in Remainder, or Reversion shall be dock'd and barred. And the said *Philip Kirton* and his Heirs, are hereby enabled to sell or dispose of the Premises, to any person or persons whatsoever.

Secretary's Office.

I. *Act* 145. If the Secretary, by himself, Deputy, or Servants take directly or indirectly, any other Fee or Fees than is in this Act expressed, he shall forfeit all such publick Offices that he shall hold within this Island, and shall be proceeded against as an Executioner, and made incapable of any Office of publick Trust. The Conviction to be before the Governour, or any two Justices of Peace.

II. A Table of the Secretary's Fees, shall be fairly ingrossed, and hung up in his Office there constantly to abide, under the Penalty of 10000 *l.* of Sugar.

III. The Fees specified, for which see the Act at large.

IV. *Act* 283. No person shall have a Ticket from the Secretary to depart this Island, unless he bring a Certificate from a Justice of Peace, that he knows, or that Proof is made by Oath before him, that he is a single Man, and hath no charge of Children, or if he hath Wife and Children, that he hath a competent Estate in this Island, or hath given Security, that they shall not be chargeable to the Parish. And the Secretary or his Deputy, shall not issue any Ticket without such Certificate, upon Penalty of answering the Damage of such Parishes as shall suffer thereby.

Servants.

I. *Act* 21. None shall presume to bring into this Island, any Children of the *English* Nation, or the Dominions thereof, to be sold as Servants, under the Age of 14 years, unless it appears by good Certificate or Indenture, in writing from the Chief of the Parish, where the Child last lived, that it is done with their Consent, or with the Consent of the Parents of such Child. (The Age to be judged by Inspection.)

II. Who-

II. Whoſoever does otherwiſe, ſhall upon Conviction, be imprifon'd, till he enters into a Recognizance with two ſufficient Freeholders, of 100 l. that he will return ſuch Child to his Parents or Guardians, and bring a Certificate of the performance thereof, within 12 Months next enſuing.

III. Men or Women inticed on Board, and ſent hither without a Covenant, Indenture, or Contract in writing, or verbal Agreement made by ſuch perſon, to be proved by the Oath of one Witneſs, or the Servants Confeſſion, ſhall have Power, and be at Liberty to implead the Perſons who brought them over, or thoſe to whom they are conſign'd, for their Freedom, and to recover Damages. Provided, he or ſhe that hath been ſo wrong'd, declare the ſame, and make Complaint to ſome Juſtice of Peace within 30 days, after his or her Landing in this Iſland, unleſs hinder'd by Sickneſs.

IV. All Servants without Indenture or Contract, ſhall when their time expires, receive for their Wages 400 l. of *Muſcovado* Sugar; and in caſe of Indenture or Covenant, then as it is therein expreſt. (The laſt Maſter always to pay the ſaid Wages.)

V. No Freeman ſhall trade with any Servant or Slave, without the Conſent of the Maſter or Owner, upon pain of forfeiting treble the value of the Goods they trade for, to the Maſter or Owner of ſuch Servant. All Contracts ſo made to be void: and the Freeman ſo offending to forfeit alſo 500 l. of Sugar, one half to the Informer, the other to the Treasuſer.

VI. A Servant or Labourer laying violent hands on his Maſter, Miſtreſs, or Overſeer, ſhall upon Conviction before a Juſtice of Peace, ſerve one whole year after his time expired.

VII. If any Overſeer, Servant, or Labourer, ſhall imbezle, purloin, wilfully waſte, or make away any of his Maſter's Stock, Goods, Proviſions, or Commodities whatſoever, he ſhall upon Conviction before a Juſtice of Peace, ſerve two years after his time expired, and be further liable in caſe that will not make Satisfaction.

VIII. Whoſoever ſhall get a Woman Servant with Child, he ſhall perſonally ſerve the Owner of ſuch Servant three years, or put one in his place for that time, in recompence of the ſaid Owner's loſs and charge in bringing up the Baſtard Child; if the Child be brought

up at Charges of the Parish, then the reputed Father to serve the Parish two years, and the Owner one, or give Security to save harmless the Parish, and satisfy the Owner his Damage; if the Child dies within the three years, then the Party to serve the Owner one year; but if the Woman die, or become infirm by her Labour in Child-bed, then the reputed Father to serve the Owner all the time she had to serve when she conceived by him.

IX. The Woman Servant so offending, shall serve her Owner two years after her time by Indenture is expired.

X. If a Servant shall get a Woman Servant with Child, then after his time of Service is expired, he shall serve the Owner double the time she had to serve at the time of the Offence.

XI. If a Man Servant marry without his Owners Consent, he shall serve four years after the time of his Apprenticeship is expired.

XII. If a Freman marry a Maid Servant, he shall forthwith pay to the Owner of such Servant double the value of what she is worth, to be recovered by Action of Debt in the Court of the Precincts. But if it be a Servant that Marries, he shall serve the Owner, *ut Sup. S. 10.*

XIII. All Differences that may arise between Master and Servant, concerning the time of their Servitude, shall be heard and determined in the Court of the Precincts, where they live, as in other cases of Right between Party and Party. And all Servants, who have occasion of such Suit, shall be allowed such reasonable time for the performance thereof, as to the next Justice of Peace shall seem requisite, but not to be allow'd to more than two out of a Family.

XIV. If a Servant shall wilfully absent him, or herself, out of his or her owners Plantation or Service, without License or Ticket, he shall, upon Conviction before a Justice of Peace, serve his Owner for every two hours absence, one whole day after his time expired, provided the whole do not exceed three years.

XV. Whatever Master or Mistress, shall turn off a Sick Servant, or not use or endeavour all lawful means for the Recovery of such Servant, during the time of Servitude, he or she shall forfeit 2200 l. of Sugar. To be levied by Warrant of a Justice of Peace, and disposed towards

towards the maintenance of such Servant, and the said Servant so neglected or turned off shall be Free. In case the said Servant shall not live, the remainder of the Sugar to go to the other Poor of the Parish.

XVI. Where a Servant through his own wilful misbehaviour, Contracts any Disease, broken Bones, or other Impediments, whereby he is disabled to perform his Labour, such Servant shall serve his or her Owner, after the time by Indenture is expired, till satisfaction for the Owners charges in the Recovery, &c. is made.

XVII. All Differences between Master and Servant, or Labourer, or Artificer, or School-Master or School-Mistress, in relation to Wages or Salaries, shall be heard and determined by the next Justice of Peace, who shall thereupon issue Execution, to be executed by the Constable of the Parish.

XVIII. This is only to reach to Covenant Servants Wages, Servants, or Labourers hired by the Month, Day, or Year; and Artificers whose Debt, or Demand exceeds not 4000 *l.* of *Muscovado* Sugar, *v. inf. S. 35.*

XIX. No Owner, Attorney, or Overseer of any Family or Plantation, shall presume to bury any Christian Servant that dies in their Plantations, out of the usual Burying-place, till the Body hath been viewed by the next Justice of Peace, or a Constable and two Neighbours, upon pain of 20000 *l.* of *Muscovado* Sugar. And if it appear upon view, that such Servant came to his Death by any violence or unlawful means, notice shall be given to the Coroner, that Proceedings may be had therein according to Law.

XX. Every Justice, or Constable, and Neighbour, that being summon'd by the Owner of such Servant, and fails to come within two hours after, shall severally forfeit 1000 *l.* of Sugar.

XXI. Six hours after such Notice given as aforesaid, they may freely bury such Servant.

XXII. All Servants under the Age of Eighteen years, imported to be disposed of, having made no Contract in *England* or elsewhere, shall serve for seven years and no longer, if above eighteen, for five years and no longer, and at the End of their time receive 400 *l.* of *Muscovado* Sugar for their Wages. Where Man and Wife are brought over as Servants in one Ship, they shall be sold and disposed of together, and not severed.

XXIII. All such Servants as shall sue for their Freedom in respect of their Ages, it shall be adjudged by the Jury by Inspection, and proportion of Stature or Confession.

XXIV. The Servant that unjustly troubles his Owner with Suits at Law, shall for his unjust Vexation, be ordered by the Court where he sues, to serve his Owner, double the time he neglected, after the Expiration of his Covenant Service.

XXV. Servants that lie in Gaol for their own Offences, shall serve their Masters, after the Expiration of the time they have to serve, double the time they have lain in Gaol for their Offences. And further, serve after the rate of 100 *l.* of Sugar *per* Month, till he hath satisfied the Charges his Master hath expended for him.

XXVI. Whosoever shall entertain any Man or Woman above one Night, and not know the Party to be Free, shall forfeit 100 *l.* of Sugar for every Day or Night after the first. And if he knows the Party to be a Servant, then 500 *l.* of Sugar; half to the Owner, half to the Publick.

XXVII. If a suspected Person come within any Plantation at unreasonable hours, those of the Plantation may apprehend him, and keep him in Custody till he may be brought to a Constable.

XXVIII. If any of one Plantation, entertain or hide a Servant, belonging to another Plantation, he shall upon Conviction, serve the Master of such Servant entertained, one whole Year after the time with his own Master is expired.

XXIX. No Overseer, Hired or Covenant Servant, shall, without Consent and allowance, Ride, or lend to others to Ride, or Load, his Master's Horses, working Cattel, Carts or Waggon, Penalty three Months Service.

XXX. A Servant by Indenture, or Custom, being apprehended in the Act of running away, or found on board of any Vessel upon Departure from this Island, or endeavouring to get aboard some Ship, or Bark, to escape, shall upon Conviction before a Justice of Peace, be condemned to serve three years after his time expired, and the said Servants Hair to be shaved off.

XXXI. No Master of a Ship shall be permitted to Trade in this Island, as to Wood or Water here, till he hath given Security, himself and two Inhabitants of this Island in the Sum of 2000 *l.* Sterl. not to carry off any Servant, or Slave without the Owners Consent, &c.

XXXII. All

XXXII. All Constables shall apprehend Run-aways, and them in safe Custody convey from Constable to Constable, till they come to the common Gaol, or to their Owners. The Constable that neglects his Duty herein, shall forfeit 200 *l.* of Sugar, half to the Publick, half to the Owner of the Servant.

XXXIII. The Minister of every Parish Church, shall read this Act twice every Year, in *December* and *June*, in their respective Churches; Penalty 500 *l.* of Sugar, for every neglect, for the Publick use.

XXXIV. *Act 327.* Servants, Labourers, Artificers, and all persons that by the foregoing Act, may sue the Testator or Intestate, before a Justice of Peace, shall have the like Remedy against the Executor or Administrator.

XXXV. If the Balance of Accounts for Wages or Work done, doth not exceed the value of 4000 *l.* of Sugar or 25 *l. Sterl.* it may be sued for before the Justice of Peace, as by the aforesaid Act is appointed, and the said Justice of Peace hath Power to consider of the value of the Materials, that any Artificer made use of, together with their Labour, not exceeding the Sum aforesaid, *v. Sup.* S. 18.

Sessions. V. Courts, S. 43.

Settlements.

Act 46. The word [*Heirs*] being wanting in a former Act, *For settling the Estates and Titles of the Inhabitants in their several Plantations, &c.* They are notwithstanding declared, to have Power to dispose and alienate, or otherwise their Estates to descend to their Heirs for ever.

Slaves.

I. *Act 336.* None shall take, or detain, any *Negro* or Slave, who has been in the Possession of another for the space of three Months, without due Course of Law, upon pain of 2 *s. Sterl.* to the Party grieved for every Days detainure.

II. The

II. The two next Justices of Peace, shall upon Complaint, order the Offender to restore the *Negro* or Slave detained, and pay the Penalty aforesaid, and upon refusal, or neglect so to do commit him, or her till performance; and grant Execution for the Sum of 50 *l. Sterl.* as a Penalty to be levied upon the Estate, real or personal of the Offender, &c.

III. This Act not to extend to any Person, that shall let; or Lend, any *Negro* or *Negroes*, nor to any who come by the Possession of such Slaves, by Consent of the Claimer; or those from whom he makes Title.

IV. A Justice refusing, or neglecting his Duty herein, shall forfeit 50 *l. Sterl.* half to the Publick, half to the Party grieved.

V. In all Suits for detinue of any Slave, the Defendant being summon'd ten days before, the Court shall proceed to Tryal, and give Judgment the first Court after Summons, and Execution forthwith. In case the Detainer doth not appear the first Court, Judgment by *Nihil dicit*, and Execution forthwith.

VI. A Widow sending off from this Island, any *Negro* or Slave that she holds in Dowry, without the Consent of him or her in Reversion, shall forfeit such *Negro* or Slave, and all other her Dowry, to the Reversioner. So also, if such Widow's second Husband shall send off any such *Negro* or Slave.

VII. The Right and Possession of *Negroes* and Slaves, shall be sued for by Action of *Detinue*, *Partitio facienda*, or Dowry, and by no other Action.

VIII. None shall bring, sell, or dispose of any *Indians* to this Island, upon Pain of forfeiting the same, one Moiety to the use of the Island, the other to the Informer.

Soldiers.

Act 380. In case a Regiment of Soldiers shall be sent up hither from the Leeward Islands, after the Expedition (1692) is over, to remain here during the present War; such Soldiers shall receive free Quarter, viz. Meat, Drink and Lodging, in as full manner as hired Freeman; and shall be placed on such Persons as the Governour shall appoint.

T.

T.

Taxes.

I. **ACT** 265. All the now (1663.) rightful Possessors of Lands, and Hereditaments within this Island, may at all times repair to the Governour for full Confirmation of their Estates and Tenures (many having lost Grants) shall receive the same, under the Great Seal for this Island.

II. All payments of 40 l. of Cotton *per* Head, and all other Duties, Rents and Arrears, which have or might have been levied, are for the future released and made void. And the Inhabitants shall hold their several Plantations to them, and their Heirs in free and common Soccage, yielding and paying yearly at the Feast of St. Michael (if demanded) one Ear of *Indian* Corn, to his Majesty, his Heirs and Successors, in discharge of all Rents and Services whatsoever.

III. An Impost or Custom, shall be raised upon the native Commodities of this Island, in manner following. Upon all dead Commodities shipped off, shall be paid to the King for ever, four and a half *in Specie, per Cent.*

IV. If any of the said Goods be shipped, or put on Board to be carried beyond the Seas, the Imposition due for the same not paid, compounded for, or tendered to the Collectors, &c. then the said Goods shall be forfeited, half to the King, and half to him that shall inform, seize, or sue for the same, in any Court of Record within this Island.

V. Nothing in this Act shall extend, or be construed to bar the King, or the now Governour Francis Lord Willoughby of Parham, from his or their Right to any Land granted, or any Incroachments made upon the Sea since the Year 1650, nor to any Lands call'd the *Ten thousand Acres*, Lands granted by the late Earl of Carlisle, to M. R. Esq; W. P. and others on certain Covenants and Conditions,

Conditions, which last mentioned Lands shall not be liable to any Tax, Impost, or Custom imposed by this Act.

VI. An Act made 1650, Entituled, *An Act importing the Customs imposed and Granted, &c. to Francis Lord Willoughby of Parham*, and his Lordship's Confirmation of the Inhabitants Estates, with the Tenure and Rent thereon created, Repeal'd.

VII. *Act 436.* Every Commander of a Ship trading to this Island, shall pay to the Keeper of the Stores of the Magazine, one pound of good Gunpowder *per Tun*, according to the Tunnage of his Ship, before he Lands any Goods (Horses and living Creatures excepted) Penalty 100 *l. Sterl.* to be paid upon Conviction before the President and Council, by the Oath of one Witness, and Commitment till paid.

VIII. Ships liable to this payment shall be reported upon Oath, or gaged by the length of the Keel within board, and the breadth to be taken by the Midship Beam from plank to plank, and the depth of the hold, from the plank below the Kelsey, to the under part of the Deck-plank; then multiply the length by the breadth, and the Product thereof by the depth, and divide the whole by 94, and the Quotient will give the true Contents of the Tunnage, according to which Rule all Vessels shall be measured.

IX. The Keeper of the Stores of the Magazine, shall keep a fair Register of all Entries upon Oath, and rake no Fee, but what is by this Act appointed, and shall when required faithfully Account for all Powder, Arms, and other Stores that shall come into his Possession for the use of the Publick.

X. A Master of a Vessel making a short Entry, and being thereof Detected upon Gaging, shall forfeit and pay three pounds of Gunpowder for every Tun short Enter'd.

XI. The Keeper of the Stores of the Magazine, shall be annually nominated, and recommended by the general Assembly, to the Governour, and shall continue in that Office no longer than one year, without a new Election. His Salary shall be 100 *l. Sterl. per annum.* Paid out of the publick Treasury.

XII. The said Keeper of the Stores, shall give sufficient Security in the Secretary's Office, in the Sum of 2000 *l. Sterl.* for the true and faithful Execution of his Office.

Office. And before he Acts, take an Oath before the President and Council, *That he will endeavour to his utmost Power, in all things to observe, perform, fulfil and execute the Place of Keeper, of the Stores of the Magazine, &c.*

XIII. The said Keeper of the Stores, shall be allowed 20 *l.* Current Money *per annum*, for his Charges and Trouble in surveying such Vessels as shall be under Entred, besides all reasonable Charges, for bringing in and carrying out the Stores, to be paid out of the publick Treasury.

XIV. The said Keeper shall not sell, Barter, Exchange, Export, or take Money, or any other value in lieu of Gunpowder, Fire-arms, or any other Stores of the said Magazine, without the Consent and Licence of the Governour, Council, and Assembly, in writing: and in case he, or any others having such Charge of the Kings Stores of War, shall imbezel, purloin, or convey away any of the same to the value of 20 *s.*, it shall be adjudged Felony, and the Offender suffer as in case of Felony, as is Enacted and Declar'd in the Statutes, 31. *Eliz.* 1. 4. and 22. *Car.* 2. 1. 5.

XV. The Commissioners, for settling the publick Accounts of this Island, are impower'd to call before them all such persons as have been, or shall be entrusted with the Stores of the Magazine, and take a just Account of all such Stores, Ammunition, and Money, as have been by them received for the use of the Publick. And the said Commissioners, shall have full Authority to grant Execution against any Persons, their Executors and Administrators as appear indebted, and to Command all Books of Accounts, and Writings of any Debtor before them, whereby Proof and Discovery may be made, and to administer Oaths; and in all these Particulars, shall have the like Authority as is used in the Court of Chancery. But not to call in question any Person entrusted with the Magazine above twelve years last past.

XVI. An Act past in the Year, 1669, *Appointing an Impost of Powder, &c.* And another past, 1696, *To prevent Frauds, &c. in the Payment of the Powder-Duty,* Repeal'd.

Trade.

Act 374. All Acts which did lay a Tax or Duty on any Negro, or Negroes bought or purchased by any Subject

ject of the King of *Spain*, are Declar'd absolutely Null and Void, and the said Subjects of the King of *Spain*, may have free Liberty of trading to this place for *Negroes*, without paying any Duty.

Transportation.

I. *Act* 139. Whosoever shall Bargain, Contract, or agree to carry off this Island, any person or persons, to serve for time, in any Place whatsoever, for his, her, or their Passage, or for Debt, or Pretence thereof, where any time of Service is to be given as Recompence, every such Contract shall be void, and the person Contracting, shall for every Offence pay 4000 l. of *Muscovado* Sugar, half to the Informer, and half to the use of the Island.

II. Provided, any person going off with his Family, or sending to any other Settlement in his own Right, may send off thither any person, not Servant to another, having first observed the Rule and Practice of going hence.

III. Whosoever shall send off any person that hath Wife and Children, who may become chargeable to the Parish, such person shall be obliged to maintain them at his own Charge, or submit to such Fine 'as the Vestry where they abide, shall impose. Which Fine shall be to the use of the poor of the Parish.

IV. Whosoever hath a Ticket for his own Departure, out of the Secretary's Office, and delivers the same to another person, who is carried off, or tenders the same to a Master of a Ship in order thereunto, such Offender, shall upon Conviction at the Quarter Sessions, be sentenced to stand in the Pillory, three several days, and receive twenty Lashes on his bare Back. Unless the Party who first received the Ticket, by accident losing the same, forthwith declare the Loss to some Justice, or otherwise use all diligence to prevent such Evil, as may ensue upon such Loss of the said Ticket.

V. *Act* 173. The Secretary or his Deputy, shall keep publickly in his Office, a Table for Entring and putting up all persons Names, intending to depart hence. And he shall not give any Ticket or Licence for any to depart, unless their Names have been first set up in the said Table, full 21 days, or otherwise taken good Security to
answer

answer all under-writings, that shall be Enter'd there within 21 days, from the first setting up their Names.

VI. Persons not well known to the Secretary, or Deputy, shall not obtain a Ticket, until the party produces a Certificate from some Justice of Peace, that he or she hath gone, or been known by such a Name. In such case the Secretary taking Security to answer under-writings as aforesaid, may grant a Ticket to be Signed by himself, and afterwards by the Governour, and such Ticket so Signed, shall be a lawful Warrant for any Master of a Ship to transport the Party to who m'granted, to any Place.

VII. The Clauses aforesaid, not to extend to Infants under the Age of 14 years, nor to Women Covert, unless they trade as Feme sole Merchants.

VIII. Whosoever shall under-write any person, having his Name up as aforesaid, he shall set forth the Sum or Sums of Money, Sugar, or other things due, or to be performed, and how it doth arise, by Bill, Bond, Judgment, Accounts, Covenant, or otherwise; or if for part of a Bill, Bond, &c. then to set forth the Sum or Sums remaining due, that the Secretary may know how to take the Security for the Sum under-written, &c.

IX. The persons so under-writing shall file their Action, or Actions within 21 days after the Security given, otherwise the same being pleaded, to be a sufficient Bar to the Action, and all others for the same Cause. And the Party under-writing to forfeit 2000 l. of *Muscovado* Sugar, half to the party underwritten, the other half to the Publick. Except where the party under-writing dies within the 21 days.

X. Any person may under-write any Sum or Duty, due or to be performed, at any future time, observing the method aforesaid. And the Secretary, or Deputy, shall take sufficient Security for the same, before he delivers a Ticket upon penalty of paying the Debt to the under-writer. Provided, the under-writer file his Action within 21 days after the Debt or Duty becomes payable, otherwise to be barr'd, as aforesaid.

XI. No person having 10 Acres of freehold Land within this Island, shall be liable to Arrest, nor any other Inhabitant, for any Sum under 1000 l. of Sugar, or 6 l. 5 s. in Money, but shall be summon'd, according to the Act for judicial Proceedings, (*Vid. Sup. Courts S. 4.*) Unless he hath

hath taken out a Ticker to depart, and not given Bond, *ut supra*. And in all Actions on such Arrest, if the Defendant plead the same, the Plaintiff shall be non suited, and pay trebble Costs. And where any is arrested the Cause of Action shall be set forth in the Warrant of Arrest.

XII. The Governour may upon Complaint of any Person under-written, or arrested, grant a Commission empowering five good and able Men, or any three of them, whereof one to be a Justice of Peace and Quorum, or two Justices to be Judges of a special Court for Expedition to try all Causes of Under-writings, and Arrests. The Party that obtains such Commission shall first make Oath that he is really going off, and cannot without prejudice to his Affairs stay the Proceedings of the usual Courts of Common-Pleas.

XIII. The said Commissioners shall be sworn to do equal Right, they shall summon the Under-writer or Party arresting to appear and file his Action, and issue out their Precept to the Marshal of that Precinct to summon a Jury, and in case the Verdict pass for the Plaintiff, forthwith to enter Judgment, and issue Execution for immediate satisfaction by Appraisement, &c. or imprison the Body if no Effects be shewn to satisfy the same;

XIV. If the Plaintiff appear not, being duly summoned, to prosecute, or upon Trial no just Cause appear for his Under-writing, or Arresting, or the Major-part of the Debt or Summ pretended be not found due, or the same appear to be done out of Malice, and with vexatious Intent, in such Cases the Verdict shall be for the Defendant, and Judgment against the Party arresting, or Under-writing, to pay trebble Damages, and double Costs; and Execution to be as aforesaid. And also to pay 2000*l.* of Muscovado Sugar to the Treasurer for the publick Use, and Commitment till paid. And such Verdict and Judgment shall be a perpetual Bar to such pretended Cause of Action.

XV. The Marshal's Fees for attending such Court, shall not exceed 500*l.* of Muscovado Sugar, nor the Clerks, 250*l.* of Sugar.

XVI. The Judges of such Trials shall certify the same to the Secretary, and also to the Provost Marshal, that they may proceed accordingly. And in case the Cause of the Under-writing or Arrest be not made good, then the Under-writing in the Secretary's Office shall be null and void, as if never done.

XVII. If

XVII. If the Party arresting do not within three days after file his Action, the Party arrested shall be discharged, and after that no Action received; also the Plaintiff shall forfeit to the Defendant 3000 l. of Mulcovado Sugar.

XVIII. Where any Person hath Cause of Action which lies only in Damages; and not in Certainty, he may under-write for a Summ in Grois, as the Case may require, and not be subject to the former Rules.

XIX. Upon all Under-writings, or Arrests, for above 200 l. Sterling or 32000 l. of Sugar, the Security tendered shall be approved by the Governour and Council, or Major-part.

XX. Where the Defendant upon an Arrest, appears not at the first Court, being called, the same Proceedings shall be against him as in the Courts of Common-Pleas upon *Nihil dicit*, and Judgment and Execution thereupon. In case Effects of the principal Defendant cannot be found, nor his Body returned to Prison, then Judgment and Execution to issue against the Security (being first summoned to shew Cause why, &c.)

XXI. The Secretary or Deputy shall take no more Fees than allowed by a late Act; and for any neglect of his or his Officers, shall forfeit and pay Damages and Costs to the Party wronged thereby.

XXII. Whosoever gets a Ticker, or hand to a Ticker, otherwise than from the Secretarie's Office in manner aforesaid, shall pay all Costs and Damages to the Party injured thereby. And whosoever shall be convicted before a Justice of Peace, of assigning, or delivering any Ticker (lawfully or unlawfully obtained) so as some other Person or Persons are carried off, shall find Sureties to appear and answer the Fact at the next General Sessions, and answer Costs and Damages occasioned thereby.

XXIII. Tickets shall be had and obtained from the Governour or his Deputy, for the Transportation of Servants and Slaves; for every such Ticker the Owner shall pay 10 l. of Sugar, the said Owner proving upon Oath that the respective Servant or Slave is at that time the proper Estate of that Person who claims him.

XXIV. Such Persons that intend to depart, and shall be under-written for any Debt under 1000 l. of Mulcovado Sugar; or 6 l. 5 s. Sterk the Cause shall be heard

and determined by any one Justice of Peace, in the same manner as for Servant's Wages.

XXV. A former Law concerning Persons intended to depart, and all things therein, repealed; but not to extend to any Person now in Custody, or liable to any Judgment or Execution, by virtue of that Act.

XXVI. *Act* 349. No Recovery that shall be made on any Obligation hereafter forfeited for carrying off any Person or Persons without a Ticker, shall be employed or assigned to any other purpose than for satisfaction of the Party injured, with his Charge and Damages, and no greater Summ shall be levied than only to satisfy him his Debt, Charges, and Damages sustained.

V.

Vagabonds.

I. *ACT* 34. All Justices of Peace in their severall and respective Precincts, shall take notice of all loose, idle, vagrant Persons, who have no constant Place of Abode, nor settled Employment, and forthwith send a List of their Names to the Governour, that all such Persons may be employed in some necessary Work for the Defence of the Island, &c.

II. *Act* 114. All such as travel, wander, and go from House to House in this Island with Packs or Wares to sell to any Inhabitants, Servants, or Slaves, shall forfeit their Wares and Commodities so carried as aforesaid. And any Person may apprehend them, and have them before a Justice of Peace, and if upon Examination they shall be found to be Offenders against this Act, the said Justice may divide the Goods and Wares so carried, giving half to the Apprehender, and half to the Over-seers for the

the Use of the Poor of that Parish where the Person offending was apprehended.

None shall be deemed Offenders against this Art, for carrying any the growth of this Island.

Vestries.

I. *Act 13.* No Assessment or levy whatsoever made by any Vestry, shall be of Force and Validity till confirmed by the Governour and Council.

II. All Free-holders shall yearly repair to their respective Parish-Churches on the second *Monday in January*, and there choose sixteen Persons to be Vestry-men of their Parish for the Year ensuing, who, or the Major-part, shall manage all business of the said Parish, set Rates, &c. and perform such other Duties as doth belong to their Office.

III. The said Rates being published three *Sundays* in the Parish Church, and no Exception taken, shall be approved and confirmed by the Governour and Council, and Attachment granted for levying the same. In case Exception be made, the Party grieved shall be heard, and his Tax examined and determined by the Governour and Council, before the Confirmation passes.

IV. One Justice of Peace may summon, as occasion requires, the Vestry-men, Church wardens, and other Parish-Officers, to meet at their Parish-Churches, to debate and consult about the Parish and Church Concernments, and whoever fails to come (due notice given) without allowed Excuse, shall forfeit 500 *l.* of Muscovado Sugar, to be levied by Warrant of Distress, &c. to the Use of the poor of the Parish, &c.

Usury.

I. *Act 91.* No Person whatsoever, after the 29th of *Sept.* 1668, shall directly or indirectly take for Loan of any Moneys, Sugars, or other Wares, or Commodities whatsoever, above the Value of 10 *l.* for the forbearance of 100 *l.* for a year, and so after that Rate. Bonds and Contracts made whereby there shall be reserved above the Rate of ten in the hundred as aforesaid, shall be utterly

terly void. And all, and every Person, who after the time abovesaid, shall take by way of any corrupt Bargain, Loan, Exchange, Chievelance, Shift, or Interest of any Wares, or other thing, for the forbearing or giving day of Payment for one whole year, for Moneys or other things, above the Summ of 10*l.* for the forbearance of 100*l.* and so after that Rate, shall forfeit treble the Value of the Moneys, Sugars, &c. so lent.

II. Every Scrivener, Broker, Sollicitor, &c. who after the time above-said, shall take for Brokage, or Solliciting, or procuring a Loan, or forbearing any Summ, more than 5*s.* per hundred Pounds, and so ratably, and more than 12*d.* for a Bond or Counter-bond, shall forfeit for every such Offence 2000*l.* of Muscovado Sugar, and Imprisonment for half a Year. The Moiety of which Forfeitures shall be to the King, the other to him that shall sue.

III. There shall be no Change or Alteration of Money or Wares lent, or continued, in the hands of the Borrower, but it shall remain of the same Species it was first lent in, and not Goods shifted into Money, or Money into Commodities. Which was formerly a great Abuse, the Lender working on the Necessity of the Borrower.

IV. Recoveries made in this Island of Debts payable in *England*, and there not duly satisfied, shall be paid by Attachment and Appraisement, and not by Out-cry. And such Debts shall be here satisfied by Muscovado Sugar, at 2*d.* the pound: And if the Recovery be on Bills of Exchange, 20*per Cent.* to be added.

V. This Act to continue for seven Years from the said 29th of *Sep.* and so to the End of the sitting of the Assembly next following.

VI. *Act 116.* The 4th Sect. *Supra*, Repealed. Upon a Bill of Exchange here produced or sued for, no more than ten *per Cent.* shall be allowed.

W.

Weights and Measures.

I. *ACT 6.* All Traders, Store-keepers, and others, shall sell all their Commodities and Merchandizes, according to the Weights and Measures, Gages and Cask, used in *England*, viz. according to *Winchester* Measure, and according to the Weights and Numbers used in the City of *London*, and what is bought there at 120 to the hundred, shall be so sold here. And whosoever shall offend against this Act shall forfeit double the Value of the Commodities so put off, and the Contract made shall be void. The Forfeitures to be half to the Publick, half to the Informer.

II. A Table of the true and exact Weights, Measures, and Numbers used in *England*, shall be hanged up in the Secretary's Office.

III. *Act 350.* A Bushel of Corn, either *Indian*, or *Guinea* in the Ear or Stalk, or of any Bonavists, Peas, Beans, or other Pulse in the Husk or Shell, shall contain 74 pound Averdupoize-weight, and a Bushel of the foresaid Produce thrash'd or beaten, shall contain 56 pound of the like weight. Whosoever shall sell or dispose of any the said Commodities contrary to this Act, shall forfeit the same, half to the Informer, half to the Church-wardens for the Use of the Poor of the Parish.

Wharfs.

Act 10. If any Goods, Merchandizes, or other Commodities shall be found to lie and remain on any Publick Wharfs, or Landing-places, at the *Indian-Bridge-Town*,

Town, or Spegh's-Bay, alias, Little-Bristol, above the Space of one Week, the Owner of such Goods shall forfeit for every day they so lie above a Week, 500 l. of Sugar to be levied, upon due Proof before two Justices of Peace, one half to the Informer, the other to the publick Treasury.



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Weights and Measures.

Taxes 8.

Wharfs.**Widows.**

Estates 8.

Negroes 1.

Slaves 6.

BAR-

BARBADOS.

A TABLE of the Acts
now in force and unexpired,
as they stand numbered in the Book at large.
Printed 1699.

Number.	Number.
1 <i>Laws.</i>	20 <i>Ministers.</i>
2 <i>Officers.</i>	21 <i>Servants.</i>
3 <i>Officers.</i>	22 <i>Estates. Alienation.</i>
4 <i>Church-wardens.</i>	23 <i>High-ways.</i>
5 <i>Records.</i>	30 <i>Continuance.</i>
6 <i>Weights and Measures.</i>	32 <i>Incroachments.</i>
7 <i>Ale-houses, &c.</i>	34 <i>Vagabonds.</i>
8 <i>Hogs.</i>	40 <i>Fines.</i>
9 <i>Proof. Evidence.</i>	41 <i>Fees.</i>
10 <i>Wharfs.</i>	42 <i>Fees.</i>
12 <i>Error.</i>	44 <i>Prisoners.</i>
13 <i>Vestries.</i>	46 <i>Settlements.</i>
14 <i>Assemblies.</i>	48 <i>Planting.</i>
15 <i>Common-Prayer and Dev.</i>	50 <i>Sales. Alienation.</i>
<i>Ser.</i>	55 <i>Laws.</i>
16 <i>Com. Prayers and Dev.</i>	56 <i>Fires.</i>
<i>Ser.</i>	65 <i>Provost Marshal. Off-</i>
17 <i>Courts.</i>	<i>cers.</i>
18 <i>Courts.</i>	69 <i>Officers. Fees.</i>
19 <i>Proofs. Evidence.</i>	79 <i>Judges.</i>

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|-------------------------------------|----------------------------|
| 84 Forcible Entry. | 286 Sales. |
| 91 Usury. | 295 Parishes. |
| 92 Ale-houses, &c. | 300 Distresses. |
| 94 Negroes. Slaves. | 303 Judgments. |
| 97 Repeal. | 306 Piracy. |
| 108 Fees. | 327 Servants. |
| 111 Money. | 329 Negroes. |
| 114 Vagabonds. Pedlers. | 331 Apprentices. Servants. |
| 116 Usury. | 335 Outcries. Mercates. |
| 122 Estates. Alienation. | 336 Slaves. |
| 128 Courts. | 338 Repeal. |
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| 131 High-ways. Officers. | 349 Transportation. |
| 137 Estates. Alienation. | 350 Weights and Measures. |
| 139 Transportation. | 355 Rebels. |
| 140 Courts. | 359 Attorneys. |
| 142 Lawyers and Law-suits. | 364 Sales. |
| 144 Courts. Petty-Larceny. | 372 Sales. |
| 145 Secretaries Office. Fees. | 374 Trade. |
| 160 Fires. | 377 Courts. |
| 165 Ginger. | 378 Negroes. Slaves. |
| 170 Ale-houses, &c. | 379 Negroes. |
| 171 Foresters. Ingrossers. | 380 Soldiers. |
| 173 Transportation. De-
parting. | 382 Negroes. Slaves. |
| 178 Negroes. | 402 Rocks. |
| 188 Execution. | 408 Agents. |
| 191 Cask. | 418 Sales. |
| 195 Custom. | 426 Assembly. |
| 198 Quakers. Negroes. | 428 Apprentices. |
| 207 Foresters. Ingrossers. | 429 Quakers. |
| 210 Courts. | 430 Judges. |
| 214 Sales. Attachments. | 431 Repeal. |
| 219 Arrests. | 435 Elections. |
| 220 Sales. | 436 Tunnage. Taxes. |
| 240 Pious Use. | 437 Militia. |
| 251 Sales. | 438 Imprisonments. |
| 254 Papists. | 441 Assembly. |
| 265 Taxes. | 442 Governour. |
| 272 Execution. | 443 Governour. |
| 283 Secretaries Office. | 444 Sessions. Courts. |

AN
ABRIDGMENT
OF THE
LAWS
OF
MARYLAND;

Now in force.

Under Proper Heads.

A.
Appeals.

I. 11 W. 3. p. 53. Enacted, that no Execution upon any Judgment in Provincial, or other Inferiour Courts within this Province, shall be stay'd or delay'd upon Appeal or Writ of Error, unless the Party bringing the Appeal or Writ of Error, or some other on his or her behalf, shall immediately enter into Bond with sufficient Sureties, in double the sum recovered, with Condition, to pursue the Directions in this Act mention'd, and also to pay to the party against whom the Appeal is brought, his Executors, &c. in case the Judgment be affirmed, the Debt, Damages and Costs below, and all further Costs and Damages awarded in the Court where such Appeal or Writ of Error shall be heard and determined.

B

II. No.

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| 116 Usury. | 335 Outcries. Mercates. |
| 122 Estates. Alienation. | 336 Slaves. |
| 128 Courts. | 338 Repeal. |
| 129 Money. | 348 Apprentices. |
| 131 High-ways. Officers. | 349 Transportation. |
| 137 Estates. Alienation. | 350 Weights and Measures. |
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| 145 Secretaries Office. Fees. | 374 Trade. |
| 160 Fires. | 377 Courts. |
| 165 Ginger. | 378 Negroes. Slaves. |
| 170 Ale-houses, &c. | 379 Negroes. |
| 171 Forestallers. Ingrossers. | 380 Soldiers. |
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| 220 Sales. | 437 Militia. |
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| 251 Sales. | 441 Assembly. |
| 254 Papists. | 442 Governour. |
| 265 Taxes. | 443 Governour. |
| 272 Execution. | 444 Sessions. Courts. |
| 283 Secretaries Office. | |

F I N I S.

A N
A B R I D G M E N T
O F T H E
L A W S
O F
M A R Y L A N D,

Now in force.

Under Proper Heads.

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B

II. No

II. No person against whom any Judgment shall be given in any County Court, shall have any Appeal or Writ of Error from the said County Court to the Provincial Courts where the Debt or Damages do not amount to 6 l. Sterling, or 12 hundred pounds of Tobacco. And no person against whom Judgment shall be given in the Provincial Court of this Province where the Debt or Damage shall not exceed the sum of 50 l. Sterling, or ten thousand pounds of Tobacco, shall be allowed an Appeal or Writ of Error to the Governour and Council; but the Judgments of such Courts shall be definitive.

III. The Party appealing, or suing out a Writ of Error, shall procure a Copy of the full proceedings of the Court from whence he appeals, &c. under the hand of the Clerk of the said Court, and the Seal thereof, and transmit the same to the Court to which he appeals, and also file in the said Court such Error as the Plaintiff in the Writ of Error shall Assign, upon which Transcript the Court before whom such Appeal or Writ of Error shall be brought, shall proceed to Judgment.

IV. All Appeals made in the manner aforesaid, shall be allow'd and admitted by the Superiour Court to which they are made: And every Clerk of a Court where an Appeal shall be demanded, shall enter at the sitting of the said Court a Memorandum of such Demand, in the Journal and in the Records of the said Court. And no Clerk of a Court shall refuse or delay any Appellant to make out a Transcript of the whole Proceedings in such manner as aforesaid, upon Penalty to pay such Damages as the Appellant shall sustain by such Refusal or Delay, the Party paying such Clerk his Lawful Fees for securing the same.

The Fees for a Writ of Error, to the Secretary 50 l. of Tobacco, to the Keeper of the Seal, 120 l. of Tobacco, For a *Supersedeas*, to the Secretary and Keeper of the Seal, the like Fees: And for a *Scire facias ad audiendum Errores*, the like Fees.

VI. In all Appeals and Writs of Error, tryed before the Governor and Council, if the former Judgment shall be affirmed, such Determination shall be final, unless such Judgment exceed the sum of 300 l. Sterling, or 60000 l. of Tobacco; and in such Case the Party against whom such Judgment shall be given, may appeal to the King and Council in *England*.

VII. All

VII. All persons, relievable in Equity from any Judgment in the Provincial or County Court, shall exhibit his Bill, and proceed in Chancery, before any Appeal be enter'd before the Governor and Council, and not afterwards : and all persons grieved by any Decree in Chancery, may exhibit his Prayer before the Governor and Council, to receive and examine the same, and the Judgment or Decree of such Court of Review shall be final, unless the Original Debt or Damage exceed the sum aforesaid, and then to appeal to the King and Council.

VIII. An Act of Assembly made 1694, concerning Appeals and Writs of Error, repeal'd. And all Appeals brought before the Governor and Council shall and may be heard by them out of Assembly time, any former Law or Practice notwithstanding.

IX. Where the Governour of this Province is concerned in any Appeal or Writ of Error, brought from any Provincial or County Court to the Governor and Council, it shall be sufficient for the Council only to hear and determine such matters, whose Judgment shall be definitive, except as before excepted.

Assembly.

I. 4 W. & M. p. 16. When the Governor of this Province shall think fit to call and convene an Assembly, and to send Writs for Burgesses and Delegates to serve in such Assembly, the Writ shall be in the form prescribed in the Act at large, viz. Authorizing the Sheriff upon receipt thereof, to call together four or more Commissioners of his County and the Clerk, who shall sit as a Court, and make publick Proclamation to all Freemen of the said County, having a Freehold in the same of 50 Acres, or a visible Estate of 40 l. Sterling at least, to appear at the next County Court, for electing of Deputies and Delegates to serve in a General Assembly, to be holden at the City of *St Mary's* on the . . . day of, &c. At which time the major part of the said Freemen shall choose four several Freemen of the said County, each having a Freehold of 50 Acres at least, or a visible Estate of 40 l. Sterling within the County, who are to be returned severally by 4 several Indentures, but no Sheriff is eligible, &c.

II. Two Citizens shall serve in the said Assembly for the City of *St Mary's*, to be nominated and appointed by the Mayor, Recorder, Aldermen, and Common Council.

III. Which 4 Delegates for every respective County, and the Citizens for *St Mary's*, are obliged to attend at the time and place of meeting of such Assembly, under the penalty of such Fines as the House of Assembly shall impose, without sufficient excuse for absence.

IV. Any Sheriff that shall refuse, or neglect to make Return of the Delegates so elected as aforesaid, before the sitting of such Assembly, or shall make any undue or illegal Return, shall for every fault be fined 1000 *l.* Sterling, one half to the King for support of the Government, the other to the Informer, to be recover'd in any Court of Record, wherein no Effoigne, &c. to be allowed.

V. This Act not to extend to exclude any County, City, or Burrough, hereafter by the King, his Heirs or Successors, to be made within this Province, from the Liberty of electing Delegates and Representatives as before express'd, but that such Writs, as aforesaid, shall upon calling every General Assembly go forth to every such County when it shall be erected, and to such City or Burrough, commanding them to make such Elections aforesaid, to serve in the General Assembly next ensuing.

VI. No Ordinary Keeper within this Province, during the time of his Keeping Ordinary, shall be elected to serve as a Deputy or Representative in the General Assembly.

VII. *An. 6. W. & M. p. 26.* All Delegates and Burgeses of Assembly shall be allowed the sum of 140 *l.* of Tobacco a day (besides Itinerant Charges) during the time they shall attend such Assembly, to be paid out of the Publick Levies of this Province.

VIII. The like allowance shall be to the several Commissioners of the Provincial Courts during the time they shall sit in and attend in such Courts, to be paid in like manner out of the Publick Levy. And the several Commissioners of the County Courts, during the time they Attend such Courts, shall be allowed the sum of 80 *l.* of Tobacco *per day*, which the said Commissioners of County Courts are hereby empower'd to assess and levy, where such Commissioners shall serve.

IX. Pro-

IX. Provided, that where the Justices of any County, being a full Court, or above the number of 7, shall agree and consent to lessen the allowance hereby given, or take the same off totally, entering such Rule in the Record, it shall for that year be an absolute Law and Rule for every Justice of that County Court as to their expences; and if they see fit, they may make the same Rule or such other as they shall agree on once every year.

X. The Act of Assembly made 1692, *Ascertaining the Expences of Commissioners of Provincial and County Courts*, repeal'd.

Attorneys.

I. 11 W. 3. p. 70. No Summons or other Process for any Criminal matter or Misdemeanor, shall issue out of any Court against any person, without a Presentment be first found by the Grand Jury, unless by special Order of Court, and if the Attorney General or any Attorney of the Provincial Court, shall issue any Process in other manner, he shall forfeit and pay the sum of 5000 l. of Tobacco, the one half to the King, the other to the party grieved, or him that shall sue for the same.

II. If any Clerk of Indictments, or any other Attorney practising in any of the County Courts, shall issue forth any Process against any Person for any such matter as aforesaid, without Presentment found, or special Order of Court, appearing upon Record, he shall forfeit the sum of 2500 l. of Tobacco, one half to the King, the other to the party grieved, or him that shall sue, &c. And the Party offending shall have no Appeal or Writ of Error, but the Judgment of the County Court shall be definitive therein.

III. If the Clerk of the Provincial Court, or any Clerk of a County Court shall issue out any Process in Criminal Causes without order under the hand of an Attorney practising in that Court, to justify the same, the said Clerk so offending shall be lyable to the same Forfeitures and Penalties of Attorney so offending, to be removed and go as aforesaid.

IV. The Attorney General of this Province, shall not

receive any Fee for any Navigation Bond put in Suit, nor for any Bond taken for Country Dues, where the said Bond appears not to be forfeited, and if he shall sue any Bond taken contrary to Act of Parliament, or taken for Country Dues, and no Bill of Exchange protested, or other failure, to forfeit the Bond, or where the Certificate is returned into the Secretary's Office; in any of which Cases appearing to the Provincial Court, the said Attorney General shall lose his Fee, and also pay the Secretary's Fees, and what other charges the Party hath been at in defending the same.

V. When any Writ is issued forth upon a Bond taken in the Kings name, it shall be indorsed on the back, for whom the Person was bound, and in what year (if a Navigation Bond) or at whose request it was sued (if a Sheriffs Bond) or Bond taken by any of his Majesty's Officers in this Province, and for want of such Indorsement the Writ shall abate, and the party grieved recover his loss against the Attorney that sued it forth.

VI. Upon every Presentment by the Grand Jury for Breach of any Penal Laws of this Province (except that for Suppressing Criminals, and trying them in the County Court) if the party presented confesses the Crime, and submits, the Clerk of the Indictments shall have his Fee for the same; if the party traverse, the Clerk shall have 200 *l.* of Tobacco: and upon every Presentment, grounded upon any Statute of *England*, if the Bill be found by the Grand Jury, the Clerk shall have 200 *l.* of Tobacco Fee. And upon Presentment found in the Provincial Court, the Attorney General shall have 400 *l.* of Tobacco fee.

B.

Bail.

I, 11 W. 3. p. 76. When Special Bail is required in the Provincial Court, if the Defendant be present in Court, he shall give Special Bail in open Court, and shall be deemed in Custody of the Sheriff that arrested him till Bail be so given: But if the Defendant be not
able

able to procure special Bail at the said Court, he shall remain in Custody of the said Sheriff, and by him be safely guarded back into the County where arrested, and there kept till he can procure such Bail.

II. But if the party who is to give such Special Bail be not present at the Provincial Court, then the Sheriff of the County where the Defendant was arrested may by virtue of a Rule of Court for Special Bail, take him into Custody again, and keep him so till he can procure Bail accordingly.

III. Any Justice of the Provincial Court may, in the County where he shall inhabit, and in case of Death or absence of such Justice, the President of the County Court may take and receive all and every such Recognizances of Bail, as shall be willingly acknowledged or made before him in his County, in any Suit depending in the said Provincial Court.

IV. Which Recognizances so taken shall be transmitted to the Justices of the said Provincial Court at their next sitting, which the said Court shall receive upon payment of the usual Fees for taking Bail; and the same shall be of like force and effect, as if taken *de bene esse* before the Justices of the said Provincial Court during their sitting.

V. And for taking such Recognizances of Bail, such Justices of the Provincial Court, or President of the County Court, shall receive the sum of 5 s. and no more.

VI. The Justices of the Provincial Court shall make such Rules for justifying of such Bails, and making the same absolute, as they shall think meet, provided the Conizors of such Bail be not compellable to appear in Person in the Provincial Court to justify themselves.

VII. Justices of the Provincial Court taking any Recognizance of Bail, may examine the sureties upon Oath, touching the value of their respective Estate, if occasion require.

Bills of Exchange.

I. 11 W. 3. p. 50. There shall not be allow'd to any person, impleading any person in this Province, upon any Bill of Exchange drawn for any sum of Money, payable in *England* or elsewhere, and brought in here

protected, more than 20 *per Cent.* Damages, besides the Debt sued for, together with ordinary Costs of Suit.

Blasphemy, Swearing, &c.

I. 11 W. 3. p. 82. If any person whatsoever inhabiting within this Province shall Blaspheme, that is, Curse God, deny our Saviour to be the Son of God, or deny the Holy Trinity, or the Godhead of any of the three Persons, or the Unity of the Godhead, or shall utter any reproachful words or Language concerning the Holy Trinity, or any of the 3 persons thereof, he or she shall for the first Offence be bored through the Tongue, and fined 20 *l.* Sterling to the King, towards defraying the County charge where the Offence was committed; or if the Party hath not an Estate sufficient to answer that sum, then to suffer 6 months Imprisonment. For the 2d Offence, he or she shall be stigmatiz'd in the Forehead with the Letter B, and fined 40 *l.* Sterling to the uses aforesaid, or Imprisonment for one whole year. And for the 3d Offence, he or she so offending, and thereof legally convicted, shall suffer Death, with confiscation of all their Goods and Chattels to the King.

II. Every Person convicted of Fornication, shall for every time so offending, be fined to the King 20 *s.* Sterling, or 400 *l.* of Tobacco, or receive Corporal Punishment, by whipping at the discretion of the Court, not exceeding 39 Lashes. And every Person convicted of Adultery shall be fined 40 *s.* Sterl. or 800 *l.* of Tobacco, or receive Corporal punishment as aforesaid.

III. Every Person who shall harbour, entertain or provide for the maintenance of any lewd Woman, or frequent the Company of any such, after Publick Admonition by the Minister, or Church Wardens, or Vestry of the Parish, shall for every such Offence undergo such Pains and Penalties, as by this Act are provided against those who are convicted of Fornication or Adultery.

IV. If any Person Prophanely Swear or Curse in the hearing of any one Justice of Peace or Head Officer of a Town, or that shall be thereof convicted by the Oath of one Witness before any one Justice or other Head Officer, or by Confession of the Party, he shall forfeit 5 *s.* Sterl. to the King, to the use of the Poor of the County,

to be levy'd immediately by Warrant from such Justice or Head Officer, to the Constable or other Person directed, and in case any Person shall refuse to execute the Command or Warrant of such Justice, &c. he shall forfeit and pay 5 s.

V. Every time any Person shall Prophanely Swear or Curse in any Court house, sitting the Court, he or she shall upon Conviction immediately pay the sum of 10 s. or be set in the Stocks for the space of one hour, by order of one Justice or Head Officer as aforesaid.

VI. Provided none shall be Prosecuted for any such Swearing and Cursing, unless the same be within 10 days after the Offence committed.

VII. Every Justice or Peace or Head Officer as aforesaid, shall receive all such Forfeitures as aforesaid when levyed, and render a just account thereof to the Justices of each respective County yearly, at the time of laying the County Levy, to be disposed of to the uses aforesaid.

Bounds and Limits.

I. 11 W. 3. p. 60. If any man hath a Tract of Land lying in Woods, and from his first markt Tree, or otherwise, run a certain Course and certain number of Perches to a Bay, River, Creek or Branch, which have a constant Stream or certain Channel; if the number of Perches fall short, in such case, if adding 50 *per Cent.* thereto will reach the said Bay, River, &c. exprest in the Grant, the Line shall be extended thereto. And where the said Line intersects the Water of the said Bay, River, &c. which are exprest in such Grant, such Intersection shall be deemed the certain point of such Tract of Land, but if the said adding of 50 *per Cent.* will not reach the said Bay or River, &c. he shall not extend his Bounds further than his certain number of Perches, to the prejudice of any later Survey.

II. If a Tract of Land, by a River, Creek or Branch side, run a certain Course and number of Perches from a certain markt Tree up the River, &c. to the head of the said River, &c. and the Survey do not exprest any markt Tree, to which the Line might be supposed to come, the said Tract shall be concluded by the certain

num-

number of Perches. But if in this or the former case, if there be a markt Tree exprest in the Survey, and sufficiently proved, to which the course of the River leads, or may be attained by adding 10 *per Cent.* to every hundred Perches of the Line which leads to it, the owner of such Land shall hold that surplusage granted by the said 10 *per Cent.* against any later taker up, and even against the Lord Proprietor, his Heirs and Successors.

III. If any second or later taker up of Land shall have taken up a Gore or Land that may include it, and not improved or built thereon, the owner of the first Tract shall pay him his charges in taking up the same, and reimburse him the Rent paid for the same, and the first owner shall hold the full Square, paying his Lordship his succeeding Rent for the Surplusage. But if the taker up of the said Land or Gore have Built thereon, he shall not be lyable to an Action of Trespais; but in case the Owner of the first Tract do not agree with him about paying for his improvement, then the taker up of the Gore shall hold it such a number of years, not exceeding 14 to come, as a Jury of Re-survey shall judge.

IV. If a man hold a Tract of Land by the side of a Creek, River, or Branch, and it be described to begin at a markt Tree by the side of the said Creek, &c. and is on that side to be bounded with the said Creek, &c. and exprest to run a certain number of Perches, but no markt Tree appointed for it to end at, in all such like cases the Owner of the Land shall reverse his last Line. But in this or any other like case, if 50 *per Cent.* will not intersect the Branch, Creek, or River, then the precise Lines and Course to be the Bounds thereof: And the reversing of Lines shall determine Bounds when the Lines by the Water side flants over the Creek, River, &c. and in that case the Creek, River, &c. shall be the Bounds of such Tract.

V. If a Tract be described to lye on a certain side of a Creek, River, &c. and begin at a markt Tree, and run a course North, up and down the said Creek, &c. to another markt Tree by the River side, which second markt Tree makes the breadth of the Land, within 50 *per Cent.* the second Line, supposing East, shall be drawn from the second Tree a certain number of Perches, and from the end thereof South till it intersect a Line drawn also East from the first Tree, and from that intersection

terfection a Line drawn West to the first Tree, the Water, the West, and the South Line, shall be the Bounds of such Tract, and all such Tracts in cases Parallel: And all the Land between the 2 Trees by its general bounding on the Water, shall be adjudged part of the said Tracts, and afterwards from the second Tree it shall be determined by Lines as aforesaid.

VI. And if a Tract of Land be laid out by a certain number of Acres, where tho the length of the Lines and the accuteness of the Angles will not make the number of Acres, yet the Tract shall be confined by such Bounds, and the Owner shall be contented.

VII. If a Man hath a greater number of Perches given him in length or in breadth by exprefs words, than he ought to have, yet he shall hold the same against any later taker up, and against the Lord Proprietor, rendring Rent.

VIII. Every Man that hath an entire Island granted him, tho he hath Surplusage, and tho the Lines, Courses or numbers of Perches be not rightly exprest, yet he shall hold the same against any later taker up, and against the Lord Proprietor, rendring Rent. And the Patent shall not be avoided for any pretence of being deceived in his Grant, except where his Lordship hath granted any Land *ex mero motu de gratia speciali*.

IX. If a certain number of Perches be prescribed to run by a Creek, River, &c. and no markt Tree or certain course exprest, the said number of Perches shall not be spent away by the several Windings of the Creek, &c. but brought to a strait Line of that Length, or else regulated by other Courses, formerly prescribed.

X. If Lands be bounded by a Creek, or Cove, running a certain course or number of Perches, if that Creek or Cove wear out and expire, or unreasonably wind above 5 points before the number of Perches be determined, in such cases the Lines shall be the Bounds from the beginning to the end.

XI. If Land begin at a markt Tree by a River, Creek, &c. and so go up or down the said River, Creek, &c. to another markt Tree at the mouth of a Creek or Cove, and then run a certain course or number of Perches by the said Creek, &c. where the winding of the said Creek, &c. would shorten the Line from extending far enough into the Woods, &c. in this case the full Line and Course pre-

prescribed shall be run out, and from the end of that Line shall be drawn a Line reverse to the next Course, which is to be run till it intersect the said Creek or Cove, and by that intersection it shall be described how far that Tract shall be bounded by the Creek, &c.

XII. In all Cases where positive Eye-witness cannot be had, there Traditional Evidence *viva voce*, agreeing with Record, shall be accounted good Proof. And where the first markt Tree is wanting, and the beginning cannot reasonably be proved, but yet a second or third markt Tree is found, the Tree so found shall rule the Bounds of the whole Tract, according to the Rules in this Act mentioned. Where a Man holds a Peninsula or Neck of Land, and have several markt Trees upon the Points or Capes of his Tract, which do not exactly agree in course or distance, and yet by good Evidence can prove his Exterior Bounds, and the whole Neck to be granted to him, there all things shall be favourably Interpreted to his holding the whole against any later taker up, although he hath built and improved.

XIII. If any Tract of Land be described to begin at the uppermost or lowermost Tree of another Tract, in all such cases the second Tract shall begin where the first terminates, unless it can positively be proved, that the Surveyor did at the taking up, mark a Tree for the beginning of the second Tract, &c.

XIV. If a Tract described to lye on a certain side of a River, Creek, &c. and at the last by general Bounds is described to be bounded by the said River, Creek, &c. and the first Line be drawn from the River, &c. into the Woods, &c. and their other courses are prescribed, which at last come to the River, &c. the courses shall there determine and be bounded by the Water, and not pass over, and the Owner shall be contented with what Land is between such Lines and the Water, be it never so little.

XV. If a Tract of Land be described to begin at a certain Tree, and run a certain course, expressing no number of Perches, till it intersect another Tract of Land, and no determinate number of Perches to limit the Lines, 'tis a void Survey, and shall be deemed to include nothing.

XVI. If

XVI. If a Tract begin at a certain markt Tree, and run to the head of a Creek, Branch or Cove, it shall be determined as afore described in like cases, and if for more breadth it begin again on the other side at the head of the said Creek, &c. it shall be adjudged to be right opposite to the ending of the first side, except there be a markt Tree exprest on the second side to regulate that part otherwise.

XVII. If a Tract be so laid out that one part lies on one side, and another part on another side of a former Survey, the Owner of the second Tract shall hold all that is clear of the former Survey, and all former Surveys whatsoever on both sides.

XVIII. If any Man's markt Tree or Trees stand within another Man's Lands, he in whose Lands the said Trees stand, shall not on any pretence cut down any of those Trees, unless he first give notice to the Owner of the Land whose Bounds such Tree is, and in his presence plant other sufficient Locust or Cedar Post, or Stone, in place of such Tree, under penalty of 6 *l.* Sterling to the Party whose Bounds such Tree was.

XIX. Every Man, having such Tree or Trees within another Man's Lands, and having an Order for Re-survey, may upon asking leave, go with Surveyor, Jury and Witnesses, on such Land whereon his markt Tree stands, and from thence measure his course, provided he do no manifest damage, or if accidentally any happen, within 3 days make reparation and amends.

XX. No man shall have 10 *per Cent.* given him to the precise number of Perches, except it be by that addition of 10 *per Cent.* to reach a markt Tree or other natural Bounds.

XXI. If a man holds Land by a River or Creek side, yet so as there lies Marsh between the firm Land and the River, such adjacent Marsh shall not be taken up by any other, but shall be deemed and adjudged to belong to the Land which is adjacent, except in *Somerset* County, and upon *Dellaware*, and the Ocean.

XXII. If a man hold Land, which is exprest to be bounded by a Line drawn from a certain Tree, or other individable point of Intersections, to a certain markt Tree in the Woods, and the said Tree do not correspond to the Course or Courses exprest, but differ very much; in such Cases (where it is not otherwise provided) the Lines shall be

be the Bounds of such Lands, and the Trees shall be deserted, and one Line shall be drawn from the end of another: Yet if any second Taker up have begun at any of the said deserted Trees, and run lines parallel to the first Taker up's Lands, the first Taker up shall have no Action of Trespass against him, tho part of the Land falls within the Lines of the first Taker up, but the second Taker up shall Enjoy his Improvements on such Lands for such number of years, not exceeding 14, as a Jury shall think reasonable.

XXIII. And they shall determine in such case, in Writing under their Hands and Seals, what part of such Lands happening to be clear, shall be assigned to the first taker up, and what part shall be assigned to the second taker up, &c.

XXIV. The Justices of each respective County Court, may grant a Warrant of Re-survey, and a *Venire* if required, when the Re-survey is only to ascertain Bounds; the Petitioner paying only to the Clerk 16 *l.* of Tobacco for his Warrant, and 30 *l.* of Tobacco, or 2 *s.* 6 *d.* to the Commissioners, and the Surveyor shall have only such Fees as in a primitive Survey, &c.

XXV. If any Person hold a Tract of Land, which on any Line is said to run a certain Course, and certain number of Perches to another Man's Land, if 50 *per Cent.* added to the Line do not come up to the said Land, yet if the number of Perches give the quantity of Land which the taker up had due to him, he shall be contented, and shall not extend his Line further to the damage of any later Survey.

XXVI. If any Owner of Land perceiving he hath more breadth betwixt his Trees, which gives him more Land than was due to him at first, hath while he was Owner of the first Tract, by Common Warrant taken up the Surplusage, he shall by vertue of such Survey and his Lordships Grant, hold the same.

XXVII. No Warrants or Grant to alter any Survey, on pretences that the Surveyor was mistaken, or any the like Pretences, shall take effect to the damage of any later taker up that hath seated and improved, where the Area of such first Survey includes considerable Land of any quality, and hath but one markt Tree; but where such Area includes no Land at all, but only Water, there the mistake is manifest, and it shall be adjudged, in
case

case of difference, according to the Intent of the Survey-
or clearly proved. And these Words *up the River, Creek,*
&c. instead of *down*, or *down* instead of *up*, shall not vitiate
any Grant or Deed, by which the Land is convey'd,
where the rest of the Words in the said Grant or Deed
manifestly imply it only to be a mistake, and the
first taker up shall rectify his Survey, and take a new
Grant.

XXVIII. Provided nothing in this Act shall alter,
make Erroneous, or defeat any Judgment in the Pro-
vincial Court before the making this Act, nor any Arbi-
tration or Award under Hand and Seal, before the ma-
king this Act, Errors in Law excepted. Provided such
Awards be recorded in their respective County Records
within a year and a day after the publication of this Act,
and acknowledged in open Court by one Arbitrator or
Umpire.

XXIX. If in a Certificate one whole Line be left out,
yet if the other Lines be so exprest, that they shew what
length and breadth were design'd, and which wou'd
make out the quantity of Land due to the taker up, in
such case the first taker up shall hold his Land against
any other, as if his Certificate were intire.

XXX. If a Man hold a Tract of Land, exprest to
bound on another Tract, and to begin at a markt Tree
standing in the Line of that Tract, on which it is said to
bound; but if the first markt Tree cannot be found, yet if
any other markt Tree of that Tract be found and proved,
that Tree shall rule the Bounds of the Tract. If no Tree be
found, the Owner may re-survey and lay it out again,
beginning at the Line where it was first said to begin.
But it shall be then reputed later than any other Survey,
and the taker up shall not intrude upon any other Tract
where a Plantation is seated. And the like shall be ad-
judged in all parallel cases where no Tree is to be found.
Yet, if any such markt Tree was said to begin at a noted
place, if such place is certainly known and procure'd, a
Jury shall find a point to begin at most agreeable to the
Description in the Certificate or Grant of the same.

XXXI. If any Controversie happen about Bounds of
Lands, whereof there is no Parallel within this Act, the
Provincial Court shall not give Judgment therein, but
it shall be put to the Assembly, to be determined by an
Act.

C. Churches

C.

Churches and Chappels.

I. *An. Dom. 1697. p. 43.* All such Lands as have been formerly given to the use of any Church or Chappel, tho the Donors in their Life time have not made any Deed of Gift of the same; and in confidence of whose promise the Parish hath been at the Charge of erecting and building their Church thereon, shall be and remain to the use of the Parish for ever, and against all Claims made or to be made by the said Donors, Heirs, Executors, or Assigns.

II. The Grand Jury of every County within this Province, shall enquire by what Titles such Lands whereupon the several Churches or Chappels of the respective Parishes within their Precinct stand, are held, and give an Account thereof to the Court, who shall examine Witnesses where such Lands appear to be given, and not confirmed, in *perpetuam rei memoriam*, and record the same in the County Court Records, which shall be adjudged and taken in all Courts of Record in this Province as a sufficient Proof of the Donation.

III. And in case it shall appear that Lands have been given for the use of any Church, &c. but the quantity not mentioned, in every such case the Vestry of such Parish where the Gift hath been made, and the quantity not ascertained, may demand and take for the use of the Church thereunto adjacent, 2 Acres of such Lands, and no more, which they shall cause to be staked out, and return 2 Certificates thereof, one of which to be recorded in the County Court, the other in the High Court of Chancery, in *perpetuam rei memoriam*.

IV. Where the Vestry of any Parish have, or shall think convenient to place a Church, or Chappel of Ease, but the Owners of such Lands, chosen out by such Vestry, for such use, either refusing, or making unreasonable demands for the same, or being under Age, &c. In such cases the Commissioners of the County Court may
grant

grant their Warrant to the Sheriff of the County, requiring him to impanel a Jury of Freeholders next adjacent, which Commissioners and Jury shall proceed as directed by an Act of Assembly, intituled, *An Act empowering the Commissioners of the several Counties to take up and purchase Lands for their County Court Houses.* V. inf. Courts. S. 9.

V. *An. 11 W. 3. 1699. p. 52.* As often as the necessity of each respective Parish Church shall require Repairs or Supplies, the Vestry-men and Churchwardens thereof, shall apply themselves to the Justices of the County Court, who shall raise by equal Assessment by the Pole on the Inhabitants of such Parish, such sums of Tobacco as shall be adjudged necessary, not exceeding the sum of 10*l.* of Tobacco *per* Pole in one year; which shall be levy'd by the Sheriff, and by him paid to the Vestry-men of the respective Parish, who shall give a True account to the said Justices, how, and for what they have laid out the same.

Colledges and Schools.

I. *An. Dom. 1696. p. 40.* Enacted, that for the propagation of the Gospel, and the Education of the Youth of this Province in good Letters and Manners, a certain Free-School or Schools, or place of Study of *Latin, Greek, Writing* and the like, consisting of one Master, one Usher, and one Writing-Master to a School, and 100 Scholars, more or less, may be made, erected, founded and established, to be called *King William's School*, and under his Patronage, and the Arch-bishop of *Canterbury* to be Chancellor of the said Schools. To be managed by certain Trustees in the Act named, and their Successors.

II. The said Schools to be erected at *Ann-Arundel Town*, upon *Seavern River*, and at such other place or places, as by the General Assembly shall be thought convenient, to be supported and maintain'd in all time coming.

III. The said Trustees, or longest livers of them, are enabled to take, hold, and enjoy, Mannors, Lands, Tenements, Rents, Rectories, &c. and all other Inheritances, &c. whatsoever, Spiritual or Temporal, to the value of 150*l.* Sterling, and all Goods, Chattels, Mo-

ney and Personal Estate whatsoever, of the Gift of any Person that is willing to bestow them for the same use, or any other Gifts, Grants, Assignments, Legacies, &c. with this Intention and Trust, that the said Trustees, or the major part, or longest Livers of them; shall dispose of the same, and of the Rents and Profits thereof, only for defraying the charges in erecting and fitting the Edifices of the said intended Schools, as they shall think most expedient; and after the said Schools shall be erected and founded, that then the said Trustees shall apply all such Lands, Tenements, Rents, Goods, Chattels or Advantages whatsoever, remaining, as hereafter expressed.

IV. The said Trustees shall appropriate out of the said Revenues, the sum of 120 *l.* Sterling for the Salary and Maintenance of the first mentioned Free School, Master, Usher, and Scribe, and the necessary repairs and improvements of the same.

V. And for the uses and purposes aforesaid, the Trustees in the Act named, to be incorporated into a Body Politick, by the name of the Rectors, Governors, Trustees, and Visitors of the Free-Schools of *Maryland*, with power to plead and be impleaded in all Causes and Actions whatsoever in all Courts and places of Judicature, and with special Licence to the said Trustees or any Person or Persons whatsoever, after the said School or Schools are so erected and founded, to Grant, Assign and Bequeath Lands, Tenements, &c. to the value of 1500 *l.* Sterling *per an.* to the said Trustees and their Successors, for the uses aforesaid.

VI. The said Trustees, Visitors and Governors, in perpetual Succession, to have full and absolute Power in making and ordaining Laws, Orders and Rules, for the Good Government of the said Schools, as to them shall seem most fit and requisite, all which shall be observed by the Master, Tutors, and Scholars.

VII. Provided the said Rules and Orders be no ways contrary to the Prerogative Royal, the Laws and Statutes of *England*, or *Maryland*, or Canons and Constitutions of the Church of *England*.

VIII. The said Governors, Visitors, and Trustees, and their Successors, shall be always 18 men, and not exceed 20. To be Elected and Constituted as hereafter specified, of which one shall be called Rector of the said Schools,

Schools, who shall exercise the said Office during one year (Death and Legal Disabilities excepted) and then the Governors shall elect and nominate another from among themselves, to be Rector for one whole year next ensuing, and thereafter till some other Rector shall be duly elected and sworn into the said Office.

IX. As often as any one of the said Governors and Visitors of the said Schools shall dye, or remove himself and Family out of this Province for good and all, the Rector for the time being, and other Visitors and Governors then remaining within this Province, or major part of them, shall nominate and choose one or more of the Better sort of the Inhabitants of the said Province into the Place or Places of those Departed, and the Party or Parties so chosen, shall take their Corporal Oath before the Rector and Governors, well and faithfully to execute the said Office.

X. The Rector for the time being, with the Consent of three or more of the said Governors, shall and may as often as they see convenient, convocate the said Governors and Visitors together, to consult and consent to such things as are for the Good and Benefit of the said Free-Schools; and the said Governors and Visitors may hold such their Court or Convocation in such Free-School or part thereof as to them shall seem convenient; and may from time to time punish any Disorders, Misdemeanors or Offences of any Master, Usher, Scribe, or Scholars of any such Free-Schools; and if they see cause, displace or alter any Master, Usher, or Scribe of any such School or Schools, and put others in their places.

XI. And the said Rector, Governors and Visitors of the said Schools, and their Successors, shall have one Common Seal, to make use of in all Causes and Businesses belonging to them and their Successors, in the said Office of Rector, Governors, &c. Which said Seal they may break, change, and renew from time to time, as they shall see most expedient.

XII. As soon as the said Rector, Governors, &c. shall be enabled by any Gifts, Grants, &c. of Lands and Tenements, or other Estate whatsoever, exceeding *120 l. per an.* allotted for the support of the first Free-School at *Seavern* aforesaid; then as they shall be enabled, they shall proceed to erect, found, and build one other

Free-School at the Town of *Oxford*, on the Eastern Shoar of this Province in *Talbot* County, or where the Rector and Governors shall see most expedient in that County. And the same being built, they shall appropriate and apply to the said 2d Free-School, out of the Treasure accruing, the sum of 120 *l. per an.* for the Benefit and Support of such 2d Free-School, and shall place there a Master, Usher, and Scribe, as in the first Free-School aforesaid, who shall in all respects be under the same Benefits, Injunctions, and Restrictions.

XIII. After the said 2d Free-School is erected and furnished, the said Rectors and Governors shall, as fast as they shall be enabled, proceed to the erecting other Free-Schools in this Province, *viz.* in every County one. And shall be impowered to establish and restrain them under the same Benefits, Injunctions and Restrictions as aforesaid, and dispose and apply so much of the said Revenue, not before disposed, to each Free-School, as to them shall seem expedient, not exceeding 120 *l.* as aforesaid.

XIV. A Supplementary Act for Free-Schools, made 1694, Repeal'd.

Coopers, and Cask.

I. *An. 6. W. & M. 1694. p. 23.* All Tobacco Hogsheds shall be 48 inches in length, and 32 inches in the head. And the Cooper that shall not observe the Gage aforesaid shall forfeit the Cask. The matter to be try'd and adjudg'd by the Justices of the County Court where such person inhabits.

II. Every Cooper agreeing with any Inhabitant of this Province to make his Tobacco Cask, shall set up and finish one half of the said Cask by the 10th of *October* next ensuing such agreement or undertaking, and the other moiety by the 10th of *December* following, under the penalty of the sum of 100 *l.* of Tobacco, for every Tun of Cask left unmade at the times aforesaid, unless hindered by Sicknes or some other lawful Impediment.

III. Timber designed for Tobacco Hogsheds shall be fallen and sawed by the 1st of *April* yearly, that the same may be well season'd, under the Penalty of 100 *l.* of Tobacco for every Hogshed made of Timber not so
season'd.

seasoned, one half to the King, the other to him that shall sue.

IV. Timber for Hogsheds as aforesaid shall be hewen, riven into Staves and Heading by the last of *July* yearly. And all Coopers shall at the finishing of such Hogsheds, burn the 2 first Letters of their name with an Iron Brand within the bulge of each respective Hogshed, and also mark the weight of every Hogshed in the bulge thereof, Penalty 100 *l.* of Tobacco.

V. Provided no Cooper shall be prejudiced for any error or mistake in the weight of any Hogshed by him weighed and marked, not exceeding 5 pounds weight. And all persons that shall undertake to make their own Cask, shall be obliged to mark and weigh every respective Hogshed by him made, under the same Penalty and Forfeiture as aforesaid. So also for every Master that shall employ any Servant or Negro, to set up any their Cask or Tobacco Hogsheds.

VI. In consideration of all which, the Receiver of any Hogshed of Tobacco shall pay and allow to the Owner thereof the sum of 40 *l.* of Tobacco, deducting out of the gross weight, the true weight of each Hogshed as markt on the Bulge.

VII. *An. 12. W. 3. 1700. p. 115.* Any person that shall suffer, or cause any Cooper that makes his Tobacco Hogsheds, to be made of a larger Size than by the above-specified Act is directed, shall for every Cask so made forfeit the sum of 200 *l.* of Tobacco, half to the King, and half to the Informer, to be recovered by Action, Bill, &c.

VIII. This Law shall be given in charge to the Grand Jury by the Justices of every respective County.

Coroners.

I. *An. 4. W. & M. 1692. p. 9.* The Governor for the time being shall constitute and appoint such to be Coroners, as he shall think best qualified for that Office, in each respective County.

II. The Governor shall give out Commissions to such persons as aforesaid, which shall as near as may be concur with the Laws and Constitution of *England*. And an Oath shall be administred to such Coroner at his

entring into the said Office, according to the form of the Coroners Oath in *England*.

Counties.

I. *An. 7. W. & M. 1695. p. 32.* The Bounds of *St Mary's* County shall begin at *Point Look-out*, and extend along *Potomack* River to the lower side of *Bud's Creek*, and so over to the Head of *Indian Creek* in *Patuxent* River. And upon the upper side of the said *Indian Creek* and *Bud's Creek*, shall the Bounds of *Charles* County begin where the other ends, and extend to *Mattawoman Creek*, including all the Land lying on the upper part of *Bud's Creek* and *Indian Creek* Branches.

II. The Land from the upper side of *Mattawoman* and *Swanston's Creeks*, extending upward by *Potomack* on the West, and *Patuxent* River on the East, shall be constituted a County of this Province, and called *Prince George's* County, and enjoy all Rights, Benefits and Privileges, equal with other Counties.

III. Certain persons, in the Act named, are empowered to cause Surveyors to settle the Bounds and Limits of *St Mary's*, *Charles* and *Prince George's* Counties, as aforesaid, and the same to be markt out and Lined with a double Line of markt Trees, and to return Certificates of the same to the Governor and Council, to be recorded, under penalty of 1000 *l.* of Tobacco from the persons named, and 2000 *l.* of Tobacco from the Surveyor, half to the Informer, and half to the Parish where the Offender dwells.

IV. The place for holding the County Courts, for *St Mary's* County, shall be in the State-house at the City of *St Mary's*, and in no other place.

V. The Island of *Kent* shall be added to and made part of *Talbot* County. And that part of *Talbot* County which lies on the North side of *Corseica Creek* shall be the Southerly Bounds of the County of *Kent*, and on the North the County of *Cecil*.

VI. The Persons in the Act nominated, are appointed to cause the Surveyors of *Talbot* County to run out and mark the Bounds of the Counties of *Kent* and *Talbot*, with a double Line of markt Trees, under the penalty expressed S. 3.

VII. *An.*

VII. *An. Dom.* 1698. p. 46. A Division of the Counties of *Ann-Arundel* and *Baltimore*, being made from 3 markt Trees standing about a mile and a quarter to the Southward of *Bodkin Creek*, on the West side of *Cheasapeak Bay*, and running thence West, till it cross the Road from the Mountains of the mouth of *Maggaty* River to *Richard Beard's* Mill, and so continuing Westward to 2 markt Trees, one for *Ann-Arundel* County, the other for *Baltimore* County, and still continuing West, between *Maggaty* and *Potopsco* Rivers, till it come to a Mountain of White-stone, from thence to the main Road to *Potopsco* Ferry, and two marked Pines, written at large on the North side of the said Trees *Baltimore* County, and on the South side *Ann-Arundel* County, from thence W. N. W. to *Elk Ridge* Road to two markt Trees there, thence to *Patuxent* River, and so up the said River to the extent thereof, for the Bounds of *Baltimore* County. All the Tract of Land on the North side of the said Division Lines shall be always taken and reputed to be in *Baltimore* County, and all the Land on the South side of the said Lines to be always reputed in *Ann-Arundel* County.

Courts.

I. *An. 4. W. & M.* 1692. p. 18. No Commissioner, Sheriff, Deputy Sheriff, Clerk, or Deputy Clerk of those Courts wherein they bear Office, shall plead as Attorneys in their respective Courts, upon the Penalty of 3000 l. of Tobacco, one half to the King, the other to the Informer, or he that shall sue for the same in any Court of Record, wherein no Effoin, &c.

II. *An. 4. W. & M.* p. 19. *St Mary's*, *Baltimore* and *Dorchester* County Courts, shall for the future be held the 1st *Tuesday* in *Septemb.* *Novemb.* *January*, *March* and *June* for Orphans; and the 1st *Tuesday* in *August*. For *Ann-Arundel*, *Charles*, *Somerset* and *Cecil* Counties, the second *Tuesday* in the foresaid months for the Orphans, and the 2d *Tuesday* in *August*. For *Calvert* and *Talbot* Counties, the 3d *Tuesday* in the foresaid months for the Orph. and the 3d *Tuesday* in *August*. For *Kent* County the 4th *Tuesday* in the foresaid months for the Orph. and the 4th *Tuesday* in *August*.

III. Every Commissioner that shall not attend at the Courts, so appointed in his respective County, shall be fined 200 l. of Tobacco, to be disposed of as the Court then sitting shall think fit, unless such Commissioner make lawful excuse to be allowed by the Court.

IV. Any 2 Commissioners, whereof one of the *Quorum*, meeting as aforesaid, are impowered to adjourn the Court, as to them shall seem meet, and no Suit for want of a full Court shall fall or abate, but shall be continued to the next Court, to be held according to such adjournments as aforesaid.

V. If the first day appointed by this Act for holding the respective Courts, be not time sufficient to dispatch the business depending, the Justices may adjourn from day to day, till the business be finished.

VI. The Commissioners of every County Court may, and ought to hear, judge, and determine any Business depending in the *June* Court between any Persons whatsoever, as well as Orphans Business.

VII. *An. 7. W. & M. 1695. p. 30.* The Justices of the County Court of *Ann-Arundel* County, shall at their next meeting in their County Court adjourn themselves to the Port of *Annapolis*, upon the River of *Severn* in *Ann-Arundel* County; and at the Court house there keep all the County Courts for the said County for ever hereafter, and the Records of the said County shall be removed to the said Port, and there kept. Also the Church to be built for the Parish in which the said Port is, shall be built within the said Port.

VIII. *An. Dom. 1697. p. 44.* The Commissioners of the several Counties within this Province, shall at or before the 10th of *April* next, meet at their usual place of meeting, and contract and agree with the Owners of such Lands, whereon their respective Court House or Houses are erected, whereunto the respective County can lay no just Title or Claim, for so much Land whereon such Court House shall stand (not exceeding $\frac{3}{4}$ Acres) and upon such Agreement take a Conveyance thereof in the name of the King, to the use of the County. Which shall be Recorded in the County Court, and the sum of Tobacco agreed for, levy'd by Assessment on the respective County.

IX. In case such Owner or Owners shall refuse to sell, or be unreasonable in their Demands, or incapacitated

by reason of Nonage, &c. the Commissioners shall cause the Sheriff to impanel a Jury of Free-holders within their respective Precincts, who at a time prefixt shall appear, and upon their Oaths enquire into the true value of the said Land, and Assess such Recompence for the same, as they shall think fit to award to the Owners. And the return of the Jury shall be made in 2 parts, one to be sent to the Governour and Council, the other to be Recorded in the respective County Court, which shall be a perpetual Bar to the claim of the Owner, his Heirs or Assigns.

X. And the recompence by the Jury so awarded, for and in satisfaction of the Land by them enquired of, shall be by the Commissioners asselt and levy'd in such manner as before mention'd and exprest.

XI. The Commissioners shall cause the Surveyors of the respective Counties to Survey, and lay out in the presence of the Jury aforesaid, such Lands as are by them taken up to the use of the County as aforesaid, and bound the same at each Angle with a substantial Locust Post, &c. And the Surveyors shall return 2 Certificates of such Survey, with fair Plats of the same, one to the Governor and Council, the other to be Recorded and kept in the County Court as aforesaid.

XII. The Lot whereon the Court House of *Dorchester* County now stands, together with the Tenements thereon, shall be and remain to the use of the County for ever.

XIII. *An. II. W. 3. 1699. p. 49.* The Statute Books of *England* to this time, and *Dalton's* Justice of Peace, shall be bought by the Justices of the Peace or Commissioners of the several Counties at the charge of the respective Counties, to be kept in the several County Courts, that the Justices, Officers and others may have recourse to the same upon occasion.

XIV. The Commissioners of the respective County Courts, shall as oft as they see convenient make and ordain such Rules and Orders for Governing and Regulating the said Courts and Officers of the same, and Suiters, as to them shall seem requisite, and under such fines as they think fit, not exceeding 100 *l.* of Tobacco for one offence, which Fines shall be to the use of the Poor of each respective County. Which orders shall be set up at the Court House door to be publickly viewed.

XV. Where

XV. Where Judgment is had in any County Court, and the Party against whom the Judgment is, flies into another County, the Justices of the Provincial Court shall, upon Certificate of the Justices where Judgment was given, award Execution against the Body or Goods of the Party flying.

XVI. Bills, Bonds, or other Specialties, Book Debts, or Accounts, proved before 2 Justices of the Peace in any County, or one Justice of the Provincial Court, and that the Ballance thereof is wholly due and unpaid, and certified under the Hands and Seals of such Justices, shall be sufficient Evidence in any Court within this Province.

XVII. *An. 11. W. 3. 1699. p. 51.* All persons that are cast in any Cause shall be amerced (besides the Damages and Costs) in the Provincial Court, 50 *l.* of Tobacco, and in the County Courts 30 *l.* of Tobacco. Of which ameracements the Clerk of the Provincial Court, and of the several County Courts, shall keep an exact account, and deliver or send the same to the several Sheriffs, who shall collect the same with the Levy and Distrain in default of payment, &c.

XVIII. The Clerk of the respective Courts shall give to the Chief Judge of such Court a List of the ameracements in that Court.

XIX. *An. 11. W. 3. p. 56.* The Commissioners of the several and respective County Courts may, at their Courts (upon examination of the publick Charges of their several Counties, and allowance by them made of the same) levy and raise Tobacco for payment and satisfaction of the said County Charges, and the Sheriffs Salary for collecting thereof, by an equal Assessment of the taxable persons of the County.

XX. Provided the account of the said County Charge be kept upon Record, and that upon complaint of any person aggrieved, the said Acts shall be examined and certified in the Provincial Court.

XXI. *An. 11. W. 3. 1699. p. 67.* The Port of *Annapolis* in *Ann-Arundel* County shall be the Chief Seat of Justice within this Province, for holding Assemblies, and Provincial Courts; and all Writs, Pleas, and Process returnable to the Provincial, or to the Court of Chancery, shall be made returnable to the said Port of *Annapolis*.

E.

Enrollments.

I. *An. 11. W. 3. 1699. p. 93.* No Mannors, Lands, Tenements or Hereditaments within this Province shall pass from one to another, whereby an Estate of above 7 years shall be made, except the Deed or Conveyance of the same be made by writing Indented and Sealed, and the same acknowledged in the Provincial Court, or before 2 Justices thereof, or in the County Court, where such Lands lye, or before 2 Justices of the same, and Enrolled in such Court within 12 months after the date, for which Caption the Fee shall be 1 s. and no more.

II. Where the Grantor or Bargainor lives remote from any the said Courts, he may acknowledge the same in the County where he liveth, and a Certificate thereof under the Hand of the County Clerk and Seal of the said County, shall be a sufficient Warrant to the Clerk of the Provincial, or County Court where the Land lyeth, to Enroll the same.

III. If any such Grantor or Bargainor shall be out of this Province, and within any of his Majesty's Dominions, so as the same cannot be acknowledged and Enrolled, as before directed, within the time limited, such Lands shall be acknowledged by Letter of Attorney in the Courts aforesaid, or before 2 Justices of the same, as aforesaid.

IV. Every Writing so enrolled shall pass the Estates therein contain'd, from the Day of Enrollment, and not from the Date thereof. And shall be at all times construed most favourably for the Grantees, and most strongly for the Barring the Grantors, and according to the True intent of the Parties, altho the same be not so firmly drawn as is used in *England*, where the advice of Council may be had.

V. If any Feme Covert be named a Party, she shall not be barr'd, unless examined privately out of the hearing of her Husband, whether she makes her acknowledgment.

knowledge willingly and freely, and without threats by her Husband, or fear of his displeasure; which shall be certified upon the Caption, and enroll'd upon Record.

Execution.

I. *An. 4. W. & M. 1692. p. 7.* No Attachment shall issue out of any Court of this Province without a Summons first made out; upon which, if the Defendant be an Inhabitant within the Province, and the Sheriff return *non est Inventus*, another Writ of Summons shall issue forth, and upon the like return of that also, an Attachment shall then be awarded.

II. If a Writ of Summons be sued forth against any person absent out of this Province, upon the return of *Non est Inventus*, and the Plaintiffs leaving with the Attorney of the absent Defendant a Copy of the Declaration or short Note, expressing the cause of Action (or if he hath no Attorney, then leaving the same at the Defendants last dwelling) and making such proof of his Action as the Court shall think fit, the Justices shall and may award an Attachment against the Goods, Chattels and Credits of the Defendant so not appearing, in the hands of any person whatsoever in this Province, in which Attachment there shall be a clause commanding the Sheriff to Garnish the persons, in whose hands such Goods, &c. are Attached; and if at the return of the said Attachment the Defendant shall not appear, nor the Garnishee, to shew cause to the contrary, the respective Courts shall condemn the said Goods, &c. and Execution shall be made either by *Ca. Sa.* or *Fi. fa.* or otherwise, as in other Judgments. The Plaintiffs giving good security to make restitution if the Defendant shall within a year and a day from the date of the said Attachment appear to the Action, and make out that the Plaintiffs Debt or Demand is paid and satisfied, or otherwise in Court discount or bar the Plaintiff of the same.

III. Provided no Sheriff shall levy by way of Execution against any such Garnishee, any more than the Plaintiffs Debt and Cost, nor more than what is made appear to be the Defendants Goods in the hands of the

Garn-

Garnishee, together with such Costs as the Garnishee shall put the Plaintiff to in contesting the same.

IV. Provided also, that no Sheriff shall by any Attachment or other Execution, levy, seize, or take the Goods of any Inhabitant of this Province, so far as to deprive him of all lawful Livelihood for the future; but that Corn for necessary maintenance, Bedding, Gun, Axe, Pot, Labourers Tools, and such like, shall be protected from all Attachments and Executions whatsoever.

V. Such as shall be found by proof wilfully to absent themselves in Woods or elsewhere, whereby they cannot be found to be brought to Tryal, and such as shall be absent by Flight, or Proscription, out of the Province, shall have no Benefit by the favourable Interpretation of this Law.

VI. Any person having obtained a Judgment in any Court of this Province, may take out an Attachment against the Goods, Chattels and Credits of the Defendant, in the Plaintiffs own hands, or in the hands of any other person whatsoever, with a Clause in the said Attachment for the Sheriff to warn the party in whose hands, at a certain day, to shew cause why the the said Goods, &c. should not be condemned, and if no cause be shewn, the said Goods shall be condemned and Execution awarded by *Ca. Sa.* or *Fi. Fa.* or otherwise.

VII. *An. 11. W. 3. 1699. p. 51.* After the 10th day of April in every year, no Execution shall issue out of any Court against the Body or Goods of any Person inhabiting in this Province until the 10th of October following, upon any Judgment in any Court of this Province, provided the Defendant and 2 other persons with him shall come before one Justice of the Provincial Court, or Mayor, and any two Aldermen of *St Mary's*, or two Commissioners of *Annapolis*, or 2 Justices of the respective County Court, and confess Judgment for the Debt and Costs adjudged, with stay of Execution till the 10th of October next following.

VIII. And if the party be taken in Execution, a Certificate of the confessing such Judgment as aforesaid, shall be a sufficient *Superfedeas* for the release of such person out of Prison, the party paying or securing to the Sheriffs his due Fees.

IX. The

IX. The Justices before whom such Judgment shall be confest, shall return it to the Clerk of the Court where the first Judgment was obtained, to be entred upon Record. And after the said 10th day of *October*, it shall be lawful to take out Execution against the Principal or Securities, without any *Scire facias* or any other delay.

Executors, &c.

I. *An. 7. W. & M. 1699. p. 30.* No Executor or Administrator shall be lyable to pay or satisfie Debts contracted out of this Province, Debts due to the Crown only excepted, before Debts due within this Province shall be paid and satisfied.

II. But if an Executor, &c. hath due knowledge and cognizance, upon due Proof, of a foreign Debt of a higher nature, as Statute Merchant, Judgment, Bond, &c. and shall have paid Debts of an inferiour nature, not recovered against him by due course of Law, or suffered Judgment to go against him without pleading such Foreign Debt in stay of Judgment, such Executor, &c. not having Assers, the Court before whom such Action is brought shall give Judgment against him *de bonis proprijs*, as the Law in that case directs.

III. No Bond, Bill or Obligation under Hand and Seal of any Inhabitant of this Province, that shall not be renewed within 5 years after the taking of such Obligation, and so for every 5 years successively, shall be suable or impleadable in any Court of this Province, Debts due to the King, Bonds given in any Office, Debts due to any person under Age, or of *non sane* Memory, or beyond the Seas, only excepted.

IV. This Act shall not be construed to give any advantage or benefit to persons flying out of this Province, and not returning within 5 years, any thing herein before contained notwithstanding.

Exportation.

I. *An. 6. W. & M. 1694. p. 22.* Any person intending to depart this Province, shall first give notice of the same, by setting up his or her name at the Secretary's Office

Office the full space of 3 months, and if none in that time shall underwrite the name set up, the Governor, Keeper of the Great Seal, or Secretary of the Province, may sign a Pass to such person to depart, for which shall be paid 2 s. 6 d. Sterling.

II. If any person upon sudden occasion is necessitated to depart, not having set up his name at the Secretary's Office as aforesaid, he giving good and sufficient security to the Governor, Keeper of the Great Seal or Secretary, to discharge and pay all Debts and Accounts due from him to any Inhabitant, may have a Pass.

III. Every Master of a Ship or other Person whatsoever, that shall transport or convey out of this Province by Land or Water, any Freeman, being indebted to any Inhabitant thereof, without such Pass as aforesaid, shall be lyable to satisfy all such Debts or Damages, except the same be otherwise satisfied, or the Transporter or Conveyer of such Person procure him to return again in one month after.

IV. And every such Person who shall transport or convey away any Servant by Condition, Wages or Custom of the Country, shall be lyable to satisfy the Master or Owner of such Servant all such damages for want of such Servant, as the Court where such Cause shall be tryed shall think fit.

V. No Person or Persons inhabiting at the head of the Bay or elsewhere in this Province, shall cause to be transported or conveyed any Person over *Susquebanah* River, or any other part of the Bay above the North side of *Sassafras* River, not having Passes procured as aforesaid, or a Certificate under the hands of 2 Justices of the Peace, and the County Seal affixed, certifying the freedom of such persons, on penalty of answering all such damages as may happen to Creditors, Masters or Owners of Servants.

Extortion.

I. *An. II. W. 3. 1699. p. 50.* For preventing Extortions in Sheriffs and Deputy Commissaries, enacted that no Sheriff, &c. shall take any Bond or Writing Obligatory, without endorsing the Account on the back of the said Bond or Writing for which the same was passed, and

and for not so doing, the said Bond or Writing Obligatory shall be void and of no effect, and the Officer that took the same shall for ever be debarr'd of suing any Action for the recovery of the Debt.

II. Whereas Officers are debarr'd from taking Bills upon any pretence whatsoever while they remain in Office, to the end they may receive no damage by the Act of Limitation of Actions, the time the said Officers remain in Office shall not be accounted in the Act of Limitation.

III. No Sheriff shall exact or take more than 20 *l.* of Tobacco *per* day of any Prisoner, tho he lyes for the satisfaction of several Judgments, under the penalty of the Act for settling Officers Fees. *Vid. Tit. Fees.*

Evidence.

I. *An. 4. W. & M. 1692. p. 1.* All Debts of Record by Judgment, Recognizance, or Deed Enrolled, the Exemplification thereof under the County Seal where the said Judgment was given, or Recorded, shall be sufficient Evidence to prove the same.

II. All Debts by Bonds, Bills, Accounts or otherwise, that shall be sent hither to be put in suit against any person residing with this Province, shall be proved by the Oaths of Witnesses thereunto, by a Notary Publick of the County from which the said Bonds, &c. shall be sent, at which time, and before the Notary, the Creditors shall declare upon Oath likewise, that neither the said Debt nor any part thereof is satisfied, and that there is no Account between the said Creditor and Debtor, and that the Creditor hath not given the Debtor any release; all which is to be sent under the Hand and Seal of the said Notary. This, if the Creditor refuses or neglects to perform, the other matter certified by the Notary shall not be received as Evidence to prove the Debt.

III. If an Executor or Administrator sue such Bond, &c. he shall in like manner, before such Notary, or other Officer to that purpose appointed, set forth upon Oath whether he hath not heard the Creditor in his life time acknowledge the Debt to be satisfied, or whether upon viewing the Creditors Books or Writings, he hath not seen Credit given to the Debtor since the date of the said Bonds, &c. all which in like manner is to be certified by the Notary, and sent with the
Testi-

Testimony of the Witnesses. Which if the Executor, &c. refuse to do, the other matters certified shall not be received as Evidence.

IV. Though the Proofs and Evidence are sufficient for the Plaintiff to obtain Judgment, yet no Execution shall issue against the Defendant, till the Original be deliver'd up, or a Release.

V. Every Attorney who prosecutes such Suits shall give Security to pay the Defendant his Costs and Charges in case the Plaintiff be cast.

VI. No Bill, Bond, Judgment, Recognizance, Statute, or other Specialty, tho proved as aforesaid, shall be admitted in Evidence, where the Debtor and Creditor are both dead, and the Debt or thing in Action above 12 years standing.

F.

Fees.

I. *An. 6. W. & M. 1694. p. 28.* Masters of Ships or Trading Vessels shall at the time of entring such Ship or Vessel, pay to the Governour of this Province 3 *d.* per Tun (Ships *bona fide* built in, or belonging to this Province only excepted) or give Caution for payment thereof.

II. The Naval Officers of this Province shall have and receive the Fees in the Act mentioned, and no more. *For which see the Act at large.*

III. All Small Boats belonging to this Province, under 18 foot in the Keel, shall pass and repass without being obliged to take out Permits. And the Masters of Shallops or open Sloops shall pay to the Naval Officers for Permits the sum of 2 *s.* 6 *d.* yearly, and no more, and give Security to observe the Acts and Laws of Navigation.

IV. Collectors and Naval Officers shall make a fair Table of their Fees, and hang them up in their Offices, under the Penalty of 50 *l.* Sterling to the King.

V. *An. 11. W. 3. 1699. p. 83.* No Sheriff, Gaoler, Clerk, or Cryer shall charge their County or the Publick with any Fees for any Criminals committed to their Charge, having sufficient Estate in this Province to pay the same, or being capable to pay by Servitude; but such Criminals being discharged by Course of Law, shall pay their own Fees, either out of their Estate, or by Servitude.

VI. This Act shall not extend to Malefactors that are Executed, or such as are Banished, having no Estate here, nor to Servant Criminals, for whom the County shall pay the Fees, due to the Sheriff, Gaoler, &c.

VII. All Officers Fees due from Criminal Servants shall be paid by the County where the Fact was committed, to be satisfied unto the Commissioners of such County, by such Servants, after their time of Servitude to their Master is expired.

VIII. The Master or Mistress of such Servants shall at the expiration of their Servants time, deliver up such Servants to the Justices, for the use of the County, under penalty of paying themselves the Fees paid by the County, as aforesaid.

IX. *An. 11. W. 3. 1699. p. 104.* No Officer or Officers, their Minister, Servants, or Deputies, shall take any other Fees than by this Act limited to the several Offices therein mentioned, *viz.* The Chancellour, or Keeper of the Great Seal; the Commissary General, or Chief Judge in Testamentary Causes; the Secretary; the Surveyor General and his Deputies; the Sheriff; the Coroner; Cryer of the Provincial Court; Clerk of the Council, Clerk of the High Court, Clerk of the County Courts; Cryer of the County Courts. All whose Fees are particularly and at large set down in the said Act. For which see the Act.

X. If any person refuse to pay the Fees by this Act allowed, the foresaid Officers shall and may recover the same by way of Execution against the Goods, Tobacco or Chattels of the person refusing. And if such person hath no Tobacco, and shall refuse to discover sufficient Goods to be taken lawfully, such persons Body may be taken in Execution.

XI. No Officer in this Act mentioned, shall Levy any Fees in this Act limited, without delivering a true and just account of the Fees by him demanded under his hand 30 days at least before Execution.

XII. In

XII. In case any Officer before mentioned, shall directly or indirectly, act or do, contrary to this Act, he shall Forfeit to the Party grieved treble damages, and also Forfeit 6000 *l.* of Tobacco, or 40 *l.* Sterling, one Moity to the King for the support of the Government, the other to him that shall sue for the same.

XIII. Fees hereafter to be allowed by the Governor and Council, tho not in this Act mentioned, may be recovered as aforesaid.

XIV. This Act to endure for 3 years, or the end of the Session of Assembly, which shall first happen.

Felons, Stealing, &c.

I. *An. 12 W. 3. 1700. p. 113.* The Justices of the several County Courts, may hold Plea of, adjudge, and determine all Thieving and Stealing of Goods, not being above the value of 1000 *l.* of Tobacco; Robbery, Burglary, and House-breaking excepted.

II. Every person legally convicted of such Stealing by the testimony of one or more sufficient Witnesses, not being the party grieved, shall be punished by paying four fold the value of the Goods so Stolen, to the party grieved, and by putting in the Pillory, and whipping so many Stripes as the Court shall adjudge, not exceeding 40.

III. The Court shall always adjudge the value of the Goods so Stolen as aforesaid.

IV. If the Party convicted have not sufficient Goods, or be a Servant, and so incapable to pay 4 fold as aforesaid, such Person shall receive Corporal Punishment as aforesaid, and satisfy the 4 fold, and fees of Conviction by Servitude, the time of a Free-man (so destitute of Goods) to commence from the time of Conviction, a Servants time to commence from the end of such servitude, as he is then bound to; The time of service to be adjudged by the Court, either to the Party grieved, or such other person that will pay or secure to be paid the 4 fold and costs.

V. He that shall receive such stolen Goods, take part, or assist in the stealing or concealment, being legally Convicted, shall suffer the same Pains and Penalties with the Party stealing.

VI. The 2d offence of stealing above the value of 12 *d.* shall not be tryed and determin'd in the County Court, but the Party shall be proceeded against in the Provincial Court as a Felon, according to the Laws of *England*, and the transcript of his former Conviction. And the presentment transmitted from the County Court, &c. under the penalty of 1000 *l.* of Tobacco.

VII. No Person shall range in Woods or Forests after wild neat Cattel or Horses, without Licence from the Governor in chief, under Penalty of 5000 *l.* of Tobacco for every such wild Creature killed, taken or conveyed away alive or dead, one moiety to the King, the other to the Informer, or he that will sue for the same.

VIII. He that shall kill any unmarkt Swine above 3 months old, not upon his own Land, or in company with his own Stock, is hereby adjudged a Hog-stealer, and shall restore 4 fold, and suffer Corporal Pains as in this Act above mentioned.

IX. He that shall kill unmarkt Swine in the Woods, or others that are markt, and cut off the Ear to conceal the mark, or whether it were markt or not, shall be adjudged a Hog-stealer, and suffer accordingly.

X. If any person that hath been Convicted of any of the Crimes aforesaid, or of other Crimes, or of evil fame, shall Shoot, Kill or Hunt upon any Land, where there is a seated Plantation, without the Owners leave, having once before been warned, he shall forfeit and pay 1000 *l.* of Tobacco, one half to the King, the other to the Party grieved, or those who will sue for the same.

XI. This Act shall be publickly read 4 times a year in every Parish Church, under the penalty of 1000 *l.* Tobacco to the King for the use of such Parish, to be paid or recovered of the Clerk or Reader so neglecting.

XII. Every Clerk of the several County Courts, shall *ex officio*, deliver up to the several Parish Clerks within their respective Counties a fair Copy of this Act for publishing as aforesaid.

Fences.

I. *An. 11. W. 3. 1699. p. 57.* All Fences designed to enclose Corn Ground shall be at least 5 foot high quite round, and well and sufficiently made. And in case any Horse or Cattel break over any such Fence, the Owner of such Horse or Cattel shall be lyable to an Action of Trespass, if the damage shall in the Judgment of 2 indifferent men amount to 200 l. of Tobacco; if less, the Owner of the Cattel shall be had before any one Justice of Peace of the County, who shall award such damages as he shall think convenient.

II. If any person wilfully and maliciously burn, pull down, or any ways destroy any Corn Field, Pasture or Orchard, or any Fence or Fences, and be thereof lawfully convicted, he shall pay treble damages to the Party grieved, as the Justices shall determine, or a Jury award.

III. As often as any Horse, Mare, Gelding or other Beast shall get into any Corn Field or Oat Ground, inclosed with such a Fence before mentioned, the Owner of the Ground shall be obliged to give notice to the Owner of such Beasts, and if he neglect to restrain his Beast, the Owner of the Ground may shoot or kill such Beast or Beasts upon his Possession the third time.

IV. If the Owner of such Beasts shall not be known to the Party grieved or damnified, he or she shall with 2 Witnesses take notice in Writing of the colour, and marks of such Beasts, and set up the same in the most publick place of the County, and if at the end of one month no Owner appears, the party grieved may shoot or kill such Beasts upon his Possession as aforesaid.

H.

Harbours.

I. *An. 4. W. & M. 1692. p. 14.* No Person whatsoever, Inhabitant or Foreigner here, trading in any Ship or Vessel having a Deck, shall unload or cast out of the said Vessel any Ballast in any Harbour or Creek, and not lay it to the Shoar above High-water mark, under the penalty for every default of 2000 *l.* of Tobacco, one half to the King, to be employed for the support of the Government, the other to him that shall sue for the same.

II. Every Naval Officer within this Province, and Collector, shall be obliged at his own costs to take out a Copy of this Act, signed by the Keeper of the Original Transcript of the Body of the Laws, and the same affix at their respective Office Doors, on forfeiture of 2000 *l.* of Tobacco, half to the King, half to the Informer.

Highways.

I. *An. 11. W. 3. 1699. p. 56.* All publick and main Roads shall be cleared and well grubbed, fit for Travelling 20 foot wide, and substantial Bridges made over all heads of Rivers, Creeks, Branches and Swamps, at the discretion of the Justices of the County Courts.

II. The Justices of the County Courts shall set down in their Records once every year, what are the publick Roads of their respective Counties, and appoint Overseers, and that no Person alter the publick Roads without Licence of the Governor and Council, or Justices, upon penalty of 500 *l.* of Tobacco.

III. Every Overseer neglecting to clear the Roads as aforesaid, he shall be fined 500 *l.* of Tobacco in Cask, every Labourer refusing to serve, 100 *l.* of Tobacco, every Master refusing to send his Servants, 100 *l.* of Tobacco for every taxable Servant not sent.

IV. The

IV. The County-Clerk shall issue out Warrants to the Overseer appointed, upon penalty of 1000 l. of Tobacco, and the Sheriff shall deliver the same *ex officio*, upon penalty of 1000 l. of Tobacco in Cask, which Fines shall be one half towards defraying the publick charges of the County, the other half to him that shall sue for the same in the Kings name, &c.

V. All Roads that lead to any Ferry, Court-house or Church, or through any County to the Port of *Annapolis*, shall be markt on both sides with 2 notches, and where the Road to *Annapolis* breaks off from any other Road, it shall be distinguisht on the face of the Tree with the Letters A. A. So also the Road in *Talbot* County that leads to the Port of *Williamstadt*, with the Letter W. The Roads leading to a County Court-house, shall have 2 notches on the Trees on both sides of the Road, and another notch a distance above the other 2. The Road leading to a Church shall be markt with a slip cut down the face of the Tree. The Road leading to a Ferry shall be markt with 3 notches of equal distance. All which is to be performed by the Overseers.

VI. Where Roads lead through any sealed Plantation or Fields, the Overseers with in their respective Precincts, shall set up Posts to be perceived from one to another, which Posts shall be marked and notched according as afore appointed, and so also the Posts of all Gates through which such Roads shall pass.

I.

Importation.

I. *An. 4. W. & M. 1692. p. 19.* After the Publication of this Act, at every Office and Place where Ships are entred and cleared, the Clerk of such Office shall administer an Oath to every Master of Ship when he comes to enter, that he shall declare whether any Servant on board his Ship be a Felon convict, and if it appears that he hath any such, the said Officer shall take good security of the said Master, not to suffer such

Felon to be sold, given or otherwise disposed of, in this Province, but shall transport him again, out of this Province, when his own Ship departs, or before.

II. No Master of a Ship, Merchant, Sailer, or other person shall import into this Province any convicted Felon or other Malefactors, to sell, or otherwise dispose of to any Inhabitant of this Province whatsoever, or to their own Plantations, under the penalty of forfeiting for every such convicted Felon or Malefactor so Imported, &c. the sum of 2000 l. of Tobacco, half to the King, the other half to the Informer, &c.

Indians.

I. *An. 4. W. & M. 1692. p. 7.* Whosoever shall take, entice, surprize, transport, sell and dispose of any Friend-Indian, or endeavour so to do, without Licence from the Governor, and all Accessaries thereunto, shall be fined and imprisoned at the discretion of the Governor and Council.

II. He that Informs of this Offence, or causes the Offender or Offenders to be apprehended, shall have satisfaction for his Pains, and Indulgence, as the Governor and Council shall think fit.

III. *An. 1698. p. 47.* The Land in *Dorchester County* lying on the North side of *Nanticoke River*, beginning at the mouth of *Chickacoan River*, and so up to the head of the same, and from thence to the head of *Anderton's Branch*, and so down the North West Fork to the mouth of the aforesaid *Chickacoan Creek*, shall be to *Panquash* and *Annotoughquan*, and the people under their Government, their Heirs and Successors for ever, to be held of the Lord Proprietary of this Province and his Heirs, under the yearly Rent of one Beaver Skin.

IV. Provided, that any persons who formerly had Grants from the Lord *Baltimore*, of any parcels of Land within the aforesaid Boundaries, may upon the Indians Deserting or Leaving the said Land, enter, possess, and enjoy the same. And the said Lord shall not have or demand any Rent or Service for any the said Tracts or Divisions, as have been taken up as aforesaid, until the Takers-up shall possess and enjoy the same as aforesaid.

V. *An. 11. W. 3. 1699. p. 75.* No person Inhabiting or trading into this Province shall carry any Liquors whatsoever to any *Indian* Fort or Town, or within 3 miles of the same, and vend or dispose the same to any *Indian*, under the penalty of the sum of 5000 *l.* of Tobacco, one half to the King, the other to the Informer, &c.

VI. *An. 12. W. 3. 1700. p. 115.* The persons in the Act named, are authorized and appointed to hear and determine all matters of Controversies and Differences that shall or may happen between the *English* and *Indians*, in private or personal Controversies, not exceeding the value of 20 *£.* Sterling.

VII. The Persons so authorized, if upon hearing and adjudging such difference, either party refuse to perform the same, are empower'd to take into their Custody by way of Distress, the Goods and Chattels of the Offender, and out of the same to make full satisfaction to the party wronged, returning the Overplus.

VIII. If the matter of Difference be of a higher nature, or greater value, then the person or persons hereby authorized shall have Power to hear only, and after examination to transmit the matter to the Governor and Council, whose determination shall be final.

IX. If any such differences shall happen between the *English* and *Indians* in this Province, where particular persons are not appointed to hear and determine the same, the next Justice of Peace is hereby impowered to hear and determine the Difference, according to the method herein prescribed.

X. In case of Death, or absence of any of the persons in this Act nominated, it shall and may be lawful for the Governor to nominate and appoint one or more in his stead.

XI. This Act to endure for 3 years, or to the end of the next Session of Assembly, which shall first happen.

Ingrossers, and Regrators.

I. *An. 4. W. & M. 1692. p. 6.* Whatsoever person shall Ingross, or get into his possession, within this Province, any Goods or Merchandizes whatsoever, or Servants, to the intent to sell the same again within 6 months,

months, and sell the same within that time for Tobacco, or the same shall transport out of this Province, he shall be reputed and taken for an unlawful Ingrosser and Regrator, and shall suffer the Pains and Penalties hereafter exprest.

II. If any person offend in the premiffes, and be thereof duly convict, by Confession, or Oaths of 2 Witnesses, he shall for the first Offence suffer Imprisonment for 2 months, and also forfeit the value of the Goods, &c. bought up, and for the 2d offence suffer Imprisonment for half a year, and shall forfeit double the value of the Goods so bought as aforesaid; and for the 3d offence be fet in the Pillory in the City, Town, or full County where he inhabits, and forfeit all their Goods and Chattels, and be committed to Prison for the term of one whole year.

III. The one Moiety of all which Forfeitures to be to the King for the support of the Government, the other to the Informer, or him that shall sue for the same, &c.

IV. Provided, this Act shall not debar or hinder any person or persons within this Province to satisfie and pay to any Workman or Servant the Hire or Wages due to them, by or out of any Goods or Merchandizes by him or them so bought as aforesaid.

Juries.

I. *An. 11. W. 3. 1699. p. 75.* The chief Clerk of the Provincial Court shall issue out several Writs of *Venire facias* for 2 good and lawful Freeholders to serve upon the Grand Jury for the Body of this Province, and several other like Writs of *Ven. fac.* for 3 like good and lawful men to serve on Petty Juries, which Writs shall be directed to the Sheriff of every County, who shall 20 days at least before the Provincial Court at which the said Juries shall serve, summon the Parties (Justices of Peace and Delegates excepted) the Sheriff shall for default, forfeit and pay 1000 l. of Tobacco, and every party summon'd and not appearing, shall forfeit 500 l. of Tobacco.

II. If a sufficient number for a Grand Jury shall not appear, the number shall be compleated by the High

High Sheriff attending the Court from the By-standers of the same County if any present, if not, of the next adjacent County, who upon refusal shall be subject to the like Fines as aforesaid. And for such service and attendance of the Grand Jury at each Court, they shall be allowed 3000 *l.* of Tobacco out of the publick Revenue for their charges.

III. The High Sheriff of every County shall summon a sufficient number of Free-holders to serve on the Grand Jury in the County Courts at *March* and *November* yearly, and oftner if need be, the said Summons to be made at least 10 days before each Court, for which service the Justices may allow 400 *l.* of Tobacco each Court. Sheriffs neglecting their Duty herein, shall forfeit for every offence the sum of 500 *l.* of Tobacco, and the party refusing to serve when legally summoned shall forfeit 250 *l.* of Tobacco, so also for all Petty Jurymen legally summoned.

IV. All Fines that shall accrue by virtue of this Act, shall be paid to the King for the support of the Government.

V. This Act to endure for 3 years, or to the end of the next Session of Assembly.

L.

Libraries.

I. *An. 11. W. 3. 1699. p. 81.* The Libraries appointed for the several Parishes in this Province shall be and remain in the Possession of the Minister of the Parish, who shall be obliged to preserve the same from waste and imbezlement, and be accountable for the same to the Government and Vestry, as often as required.

II. The Minister shall pass 2 receipts of the Books, inserting what they are, and the Titles thereof, one receipt to go to the Governor and Council, the other to the Vestry of the Parish, to be recorded. And the Vestries shall

shall visit the said Libraries twice in the year, and in case of any damage to cause satisfaction to be made for the same.

III. If any Minister shall be removed from his charge, he shall deliver the Library to the Vestry of the Parish, and make satisfaction for any damage or waste suffered, before his departure out of the said Parish, except by Fire or such like unavoidable accident.

IV. In case of Death of such Minister, the Vestry shall immediately take the Library into their Custody and keeping, and pass their Receipts for the same, and shall in all points be answerable for the same, except Fire, &c.

V. Dr Thomas Bray, or his Successors, shall be chief Visitors of all and every the Libraries within this Province.

VI. A former Act made 1696. for securing Parochial Libraries, repeal'd.

Limitation of Actions.

An. 4. W. & M. 1692. p. 4. All Actions of Trespass, Detinue, Trover, Replevin, Accompt, Contract, Debt, and upon the Case, other than Accompts of Trade between Merchant and Merchant which are not residents within this Province, Debt without Specialty, or for Arrears of Rent, all Actions of Assault, Menaces, Battery, Wounding, and Imprisonment, shall be sued within the time hereafter express, viz. Account, Debt, Detinue, Replevin, and Trespass *quare clausum fregit*, within 2 years after the cause of Action, and not after. Actions on the Case for Words, Trespass, of Assault, Battery, Wounding and Imprisonment, within one year.

II. In all Actions on the Case for Words, if the Jury upon Tryal of the Issue, or the Jury that shall Enquire of the Damages, do find or assess the Damages under 40s. the Plaintiff shall have no more Costs than Damages.

III. Persons under the Age of 21, Females Covert, *Non Compos*, Imprison'd, or beyond the Seas, shall be at Liberty to bring their Action within such time as before limited, after their Impediment removed.

IV. No

IV. No persons absenting themselves out of this Province, or that shall remove from County to County after a Debt contracted, whereby their Creditors may have difficulty of finding them or their Effects, shall have any benefit by the Limitations in this Act specified.

V. Provided, this Act shall not bar any Person removing from one County to another for his conveniency, nor any person leaving this Province, from the benefit of this Act, he leaving Effects sufficient for the Payment of his just Debts, in the hands of some person or persons who will assume the payment thereof.

M.

Marriages.

I. *An. 4. W. & M. 1692. p. 20.* All persons who shall desire Marriage, shall apply themselves either to a Minister, Pastor, or Magistrate, for the contracting thereof.

II. Publication of intended Marriage shall be made either at the Church, Chappel, County Court or Meeting house, next where the parties dwell, at such times when the said places shall be full; and upon Certificate from the Minister, Pastor, or County Court, 3 weeks after the said publication, either Minister, Pastor, or Magistrate may join such persons in Marriage. And if any person shall presume to contract Marriage, without such publication, and Certificate thereof, or particular Licence from the Governor, every person so Marry'd shall be liable to a fine of 1000 *l.* of Tobacco, and every Minister, Pastor, or Magistrate so joining any in Marriage, shall be fined 5000 *l.* of Tobacco, one half to the King for the support, &c. the other to the Informer.

III. All Marriages not made before some Minister, Pastor, or Magistrate, with 5 sufficient Witnesses at least, shall be null and void.

IV. All

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IV. All Ministers, Pastors, and Magistrates, who according to the Laws of this Province do usually joyn People in Marriage, shall joyn them in manner and form as exprest in the Liturgy of the Church of England; after which the Minister, Pastor, or Magistrate shall say, *I being hereunto by Law authorized, do pronounce you lawful Man and Wife.*

V. The Minister, Pastor, or Magistrate, may receive from the parties Marry'd, 100 l. of Tobacco.

Militia.

I. *An. 11. W. 3. 1699. p. 99.* Every Collonel, Major or Captain of Foot commissioned by the Governor, may list men (not hereafter excepted) between 16 and 60, as they think fit, to be of the Militia or Trainbands of this Province, which persons so listed they shall muster and exercise at such times and places as they shall think meet, or as the Governor shall appoint.

II. Every such Collonel, &c. shall give notice upon every Training to every Person so listed, to appear at such time and place as he shall appoint, and if any man after such notice shall neglect to appear, or to bring with him a serviceable Gun with 6 shoots of Powder, he shall for every such offence, if a Freeman, forfeit 100 l. of Tobacco; if a Servant, the Master, Mistress or Overseer to pay the like sum for such Servant, for the use of the Foot Company, to purchase Drums and Colours, &c. Provided no Officer shall press Arms or Ammunition for any further service than Training, but upon all such occasions they shall be supplied out of the County Magazine. All which forfeitures shall be adjudged and levy'd by the Collonel, Major or Captain of any Foot Company.

III. A Captain of Horse in each County shall list his number of Men out of the Inhabitants of the said County, according to the Instructions sent him by the Governor. Troopers shall ride their own Horses; every Trooper shall have a serviceable Horse which shall pass muster, shall find himself with sufficient Furniture, Sword, Carbine, Pistols, Holsters and Ammunition; if he shall neglect to appear upon notice given (as aforesaid to the Foot) accounted as aforesaid, he shall forfeit the sum of 100 l. of Tobacco,

to be levy'd as aforesaid to the use of the Troop, to purchase Trumpets and Colours, &c. All Troopers when out on Muster shall find their own Provisions, but when in actual service, to be found at the charge of the Publick. If a Troopers Horse be kill'd in the service, he shall be paid it for by the Publick.

IV. All Persons in Holy Orders, Delegates, Magistrates and Constables, shall for their own Persons be exempted from Musters, for such time as they officiate or bear Office, except such Persons as have or shall accept of Commissions from the Governor for Military service. This clause not to exempt any Delegates, Magistrates or Constables from sending to Musters upon due notice, some other Person or Persons in his or their stead or places, upon forfeiture as aforesaid. All Negroes and Slaves shall be exempted the duty of Training and Military service.

V. The pay shall be to a Collonel of Foot 2000 *l.* of Tobacco *per* Month, to a Major of Foot 1200, to a Captain of Foot 1000, to a Lieutenant 700, an Ensign 600, a Serjeant 400, a Corporal 400, a Drummer 400, and to every private Soldier 300 *per* month. To a Major General 3000 *per* month. to a Collonel of Horse 2300 *per* month; a Major of Horse 1500, a Captain of Horse 1300, a Lieutenant 1000, a Cornet 900, a Quarter Master 700, a Corporal 700, a Trumpet 700, and to every private Trooper 600 *per* month. Computed according to the Calender.

VI. All Soldiers Pay as aforesaid shall be paid and defrayed by a publick Levy and equal Assessment upon the Taxables of this Province, by consent of the General Assembly, and not otherwise.

VII. The Commissioners of every County shall yearly, between the 29th of *Sept.* and 25th of *Decemb.* appoint two substantial men of their respective Counties to be Press-masters for the year ensuing, that if occasion requires, they and no other shall impress Victuals or other things by Warrant from the Governor. And if any other but those so appointed, presume to seize, press or carry away any Goods or Commodities of any the Inhabitants of this Province, he shall Forfeit to the Party grieved treble the value. Provided no Press-master or any Person whatsoever shall Seize, Press, or carry away any Arms or Ammunition upon

upon any account whatsoever, under the Penalty aforesaid.

VIII. The Commissioners of any County Court, who shall not within the times abovesaid, yearly appoint Press-masters for their respective County, shall each of them forfeit to the King 500 *l.* of Tobacco. And such Press-master who shall be so appointed, and refuse or neglect truly to execute the said Office, shall forfeit and pay to the King 500 *l.* of Tobacco.

IX. The Booty, Prizes, Pillage or Plunder for any *Indian* seized or taken Prisoner in time of War, shall be equally divided and distributed amongst the Soldiers who adventured in the service.

X. A Soldier that shall in any War in defence of this Province, happen to be maimed or disabled to get a livelihood, shall according to his disability, receive a yearly Pension out of the Publick Levy. And every Person slain in the service of this Province, leaving Wife and Children, his Wife shall be allowed a competent pension during Widowhood, and the Children till able to get their living; to be paid out of the 50000 *l.* of Tobacco *per an.* The party petitioning for such Pension and Allowance, procuring a Certificate from the County Court, &c.

XI. If upon any Foreign Invasion, any Person whatsoever (except before excepted) that shall be a listed Soldier in this Province, and upon command of his Officer, being a Captain at the least, refuse to appear and serve in Arms, he shall upon Certificate of the same to the next Justice of Peace of the County where the Party liveth, be apprehended, and brought before that or some other Justice, to whom, if he cannot make a reasonable and sufficient excuse for such his refusal or non-appearance, he shall be committed, or bail'd to appear at the next Provincial Court, and if there he be convict of obstinate refusal or disobedience as aforesaid, he shall be fined and imprisoned according to the directions of the Justices of the said Court.

XII. The Governor and Council during the Intervals of Assembly, may Assess the small charge of this Province, equally to be levy'd upon all the Inhabitants thereof. Provided the sums for the said small charges, so to be assess'd, exceed not in any one year the sum of 50000 *l.* of Tobacco. And the disbursements of the

same

same to be accounted for at the next General Assembly.

XIII. Souldiers employ'd in any publick Service, shall be paid in the Counties where they live.

XIV. This Act to endure for 3 years, and to the end of the next Session of Assembly after the said 3 years.

Mills.

I. *An. 11. W. 3. 1699. p. 85.* Any Person desiring to set up a Water-Mill upon any run of Water, not being the Possession or Freehold of such Person, may purchase Writ out of the Court of Chancery, directed to the Sheriff of the County where such Land lieth, requiring him by the Oaths of 12 men of his County, to enquire what damage it would be to the King, or others, to have a Mill set up in such a Place as aforesaid, &c. (the form of which Writ is exprest in the Act at large.)

II. Upon the return of which Writ, in case the Owner of the Land shall refuse to build a Mill thereon, or give security so to do within a year, and finish the same within 2 years, for the publick good of the Province, the King, or Governör for the time being, may grant 20 Acres (*viz.* 10 Acres on one side of the Run, and 10 on the other) fit to build a Water-Mill upon, with free egress and regress to the said Mill, together with Liberty to sell any Timber for building the same, other than Board Timber fit for Clapboards, for any time not exceeding 80 years, under the yearly Rent of the Lands, as found by the 12 men, by vertue of the Writ aforesaid, to be paid to the Owner of the Land.

III. Provided that before any person shall have such Grant, he shall give Bond to the King, with 2 sufficient sureties, in the sum of 50000 l. of Tobacco, conditioned to begin to build the said Water-Mill within one year, and finish the same in two years next following.

IV. All and every person and persons who have already built Mills as aforesaid, shall and may have such Writ of Enquiry, and such Grant as aforesaid, any Law or Usage to the contrary notwithstanding.

V. No person that hath obtained, or shall hereafter obtain any Grant of Lands whereof such person is not

the real Owner or Possessor, and hath or shall build a Mill thereon, shall have any Right or Title to such Land after such Mill shall be casually broke or gone to decay, other than 2 years for the new Building, or repairing the same. And if he doth not repair it in that time, the real Owners of the Land may re-enter upon the same, or recover the same by Ejectment or otherwise according to Law.

VI. No Miller or other person belonging to any Mill shall receive for grinding any *Indian-Corn*, or Wheat, above the 6th part of every Bushel of *Indian-Corn*, and 8th part of every Bushel of Wheat, upon penalty of Forfeiting 1000 *l.* of Tobacco to the King.

VII. Any person that hath begun to build a Mill, upon encouragement of any former Act hereby repealed, shall have the same advantages as if the Act were still in force.

N.

Naturalization.

I. *An. 7. W. & M. 1695. p. 32.* The Fees to be taken by the Clerks and Officers belonging to the Assembly, for Naturalization, shall be allowed and adjudged by the respective Assemblies when such persons are Naturalized. And no person shall exact more, under the penalty of 2000 *l.* of Tobacco, half to the King, and half to the party grieved.

Negroes.

I. *An. 4. W. & M. 1692. p. 2.* Where any Negro or Slave, being in Servitude or Bondage, is or shall become Christian, and receive the Sacrament of Baptism, the same shall not, nor ought to be deemed, adjudged, or construed to be a Manumission, or freeing of any such Negro or Slave, or his or her Issue, from their Servitude or Bondage, but that notwithstanding they shall

at all times hereafter be and remain in Servitude and Bondage as they were before Baptism, any opinion, matter or thing to the contrary notwithstanding.

O.

Office and Officers.

I. *An. 4. W. & M. 1692. p. 10.* Justices of the Peace in every County, at the first Court after *Michaelmas*, shall appoint some Inhabitant in every Hundred or Precinct, who shall in all things have the like Power as a Constable hath in a Hundred or Precinct in *England*, and shall take the Oath of Allegiance, and the Oath of a Constable. If the party appointed shall refuse to serve or be sworn, he shall forfeit 500 *l.* of Tobacco, one half to the King, the other to the Church-Wardens of his Parish, or suffer 2 months Imprisonment.

II. If any person appointed to be a Justice of Peace, Sheriff, or Coroner, within this Province, by the Governor, shall refuse to execute the Office, or to take the Oaths, he shall Forfeit to the King 1000 *l.* of Tobacco, or 4 months Imprisonment.

III. Whoever shall be summoned to serve as a Juror, and refuse to serve (not being by any other Office exempted) shall Forfeit to the King 500 *l.* of Tobacco, or 2 months Imprisonment.

IV. Whoever shall be summoned and required to serve as a Witness, and refuse to testify upon Oath, shall Forfeit to the King 500 *l.* of Tobacco, or suffer 2 months imprisonment. This Clause shall not extend to Quakers.

V. This Act shall not extend to the prejudice of any Lords of Mannors, as to their Priviledges of appointing Constables in their Mannors.

VI. Any Person dissenting from the Church of *England*, being chosen or appointed to bear the Office of High Constable, Church-Warden, or any other Parochial Office, may execute the same by his sufficient Deputy, that shall comply with the Laws on that behalf, &c.

Ordinaries and Inns.

I. *An. 11. W. 3. 1699. p. 79.* The Commissioners of each County Court, and the Mayor, Recorder and Aldermen of the City of *St Mary's*, are impower'd to grant Licences to such Persons as they think fit to keep Ordinaries and to be Innholders, within their several Counties, for which Licence the Party Licenced shall be bound to pay to the Secretary of this Province, if he keep an Ordinary within the Port of *Annapolis*, or within 2 miles thereof, the sum of 2000 *l.* of Tobacco yearly as a fine. Or if he keep Ordinary in the City of *St Mary's* or at *Williamstadt*, or at any County Court House, the sum of 1200 *l.* of Tobacco. Or if in any remote parts, the sum of 400 *l.* and no more.

II. The Clerk of the Respective County Courts, and of the Mayors Court at *St Mary's*, shall cause such Licences, and Fines, and Securities for the same to be entred upon Record, and the Bonds to be transmitted to the Justices of the Provincial Court. For which every Ordinary-keeper shall pay to such respective Clerk 60 *l.* of Tobacco, and no more.

III. The Commissioners of the County Courts, and Mayor, &c. before mentioned, shall in the months of *January* and *August* every year, assess the Rate or Prizes of all Liquors (not in this Act after mentioned) by Ordinary Keepers to be vended, which Rates so assess shall be set up at the respective County Courts; and in the Ordinary-keepers Houses, under the penalty of 1000 *l.* of Tobacco. And every Ordinary-keeper, who after the assessing the Rates as aforesaid, shall take or demand more than allowed, shall for every such Offence Forfeit and Pay the sum of 500 *l.* of Tobacco, one half to the King for the use of the County, the other to him that shall sue for the same; and also lose the Debt so unjustly demanded.

IV. Every Ordinary-keeper that shall demand or take above 10 *l.* of Tobacco for a Gallon of Small Beer, 20 *l.* of Tob. for a Gallon of Strong Beer, 4 *l.* of Tob. for a nights lodging in a Bed, 12 *l.* of Tob. for a Peck of *Indian* Corn or Oats, 6 *l.* of Tob. for a nights Grass for a Horse, 10 *l.* of Tobacco for a nights Hay or Straw, shall for

forfeit for every such Offence the sum of 500 *l.* of Tob. half to the King, half to him that shall sue, &c.

V. Every Ordinary-keeper or Innholder shall within six months after Licenced, provide and maintain (if living at a County Court house, or at *Annapolis* or *Williamstadt*) 12 good Beds more than for his own Family's use, with Stabling and Provision for 20 Horses at least. And if such Ordinary be kept in any other part of the County, then he shall be provided with 4 Spare Beds, and Stabling and Provision for 6 Horses at least, under the Penalty of 500 *l.* of Tobacco, as aforesaid. Provided no Ordinary-keeper shall be a Justice of Peace, or Commissioner in any County Courts, or Mayor, Recorder, or Alderman of *St Mary's*, during the time of their keeping Ordinary.

VI. If any Ordinary-keeper keep evil Rule in his House, the Justices of the County Court shall, upon complaint, call in his Licence and suppress him.

VII. He that keeps Ordinary without Licence, or after he hath been suppressed, shall forfeit 2000 *l.* of Tobacco for every month, one half to the King, the other to him that shall sue for the same.

VII. No Inhabitant of this Province shall sell without Licence any Syder, Quince Drink, or other strong Liquor, to be drunk in his or her House, upon penalty of 1000 *l.* of Tobacco for every conviction, half to the King, half to the Informer.

IX. No Ordinary-keeper shall refuse to credit any Person capable of giving a Vote for election of Delegates in any County, for any accommodations by him vend- ed, to the value of 400 *l.* of Tobacco, under the penalty of 400 *l.* of Tobacco, one moiety to the King, the other to the Informer.

X. No Ordinary-keeper or Inn-holder shall keep a House of Entertainment, till he hath given Bond before the Justices that grant the Licence of 20 *l.* Sterling, not to entertain any Freeman or loose Person above 24 hours, unless such Person be capable of voting for a Delegate, or is the Servant of the said Ordinary-keeper.

XI. The Justices of the Provincial Court and Commissioners of County Courts, shall give this Act in charge to the respective Constables to enquire into the Breach of the same. This Law to continue for 3 years,

P.

Perjury and Subornation.

I. *An. 4. W. & M. 1692. p. 11.* If any Person whatsoever shall procure any Witness to commit wilful and corrupt Perjury in any of the Courts of Record in this Province, or corruptly procure any Witnesses to testify in *perpetuam Rei memoriam*, such Person being thereof lawfully Convicted, shall forfeit the sum of 40 *l.* Sterling, and if he hath not Estate to the value, then to suffer Imprisonment for one whole year, and stand upon the Pillory for one hour.

II. No Person so Convicted shall be admitted and sworn as a Witness, until such Judgment given against him shall be reverst; and upon such reversal the Party grieved shall recover his damages against those that procured the said Judgment.

III. If any Person commit any wilful Perjury in any Court of Record in this Province, or being examined in *perpetuam rei memoriam*, and be thereof duly Convicted, he shall forfeit 20 *l.* Sterl. and suffer Imprisonment the space of 6 months. And the Oath of such Person shall not be received in any Court of Record, till the Judgment against him shall be reverst, upon which Reversal the Party grieved shall recover his damages as aforesaid. And if the Offender hath not an Estate to the value of 20 *l.* then he shall be set on the Pillory, and have both Ears nail'd, and be thenceforth discredited and disabled to be sworn in any Court of Record, until the Judgment be reverst, upon which the Party shall recover damages as aforesaid.

IV. One Moiety of the said Forfeitures shall be to the King, for the support of the Government, the other to the Party grieved.

V. If any Person duly serv'd with Process, to testify in any cause depending in any Court relating to the Pre-
 mises,

Maryland, now in force.

mises, and having a reasonable sum of Money or Tobacco tender'd for his charges, shall not appear, having no reasonable let or impediment, such Party making default, shall forfeit for every such Offence 10 l. Sterl. and yield to the Party grieved such further Recompence as the Court out of which the Procefs came shall award. The said several sums to be recovered by the Party grieved by Action, of Debt, &c. in any Court of Record, wherein do Effoin, &c.

Pirates.

I. *An. 11. W. 3. 1699. p. 102.* It shall be Felony for any Person inhabiting or belonging to this Province, to commit an Act of Hostility, by Commission from any Foreign Prince, State or Potentate, against any other Foreign Prince, State or Potentate in Amity with his Majesty, and every such Offender being thereof legally convicted in the Provincial Court, shall suffer Death without Benefit of the Clergy. This Act not to extend to such as have been in Foreign Service, and left the same before the 10th of *May* last, and given security for their future good Behaviour.

II. All Treasons, Felonies, Pyracies, Robberies, Murthers or Confederacies committed at Sea, or in any River, Haven, Creek or Bay, shall be inquired of, tryed or adjudged in this Province, in such like form as if the Offence had been committed on the Land. And to that end, Commissions shall issue under the Great Seal of this Province, directed to the Judge of the Admiralty, and such other Persons as shall be thought meet, which said Commissioners shall have Power to proceed as the Commissioners appointed by virtue of the Stat. 28 *H. 8. ch. 15.* are empower'd to do within the Kingdom of *England*.

III. Every Person who shall knowingly Entertain, Conceal, Trade or Correspond with any Person that shall be adjudged to be a Privateer or Pyrate, or other Offender within this Act, and shall not endeavour to apprehend such Offender, shall be lyable to be prosecuted as Accessary and Confederate.

IV. All Commission Officers in their several Precincts are empower'd and requir'd upon notice given, to raise and levy such number of armed Men, as shall be thought

needful, for apprehending and carrying to Gaol all and every such Privateers, Pyrates and suspected Persons, and in case of resistance, to kill or destroy the opposers, and they so resisting shall be deemed and adjudged as Felons without benefit of Clergy. Every Officer that shall omit or neglect his Duty herein, shall forfeit 30 l. Sterling for every offence, half to the King towards the support of the Government, the other half to the Informer. And such as refuse to repair with Arms as appointed by their Officer, shall be fined or punished as the Justices shall think fit.

Ports.

I. *An. 6. W. & M. 1694. p. 26.* The Town Land at *Seavern* in *Ann. Arundel* County, where the Town was formerly, and the Land at *Oxford* in *Talbot* County, where the Town was formerly, shall from henceforth be Towns and Ports, where all Ships may come for entering and clearing, for which end a Collector and Naval Officer shall constantly reside at the said places.

II. The Commissioners in the Act named for each respective Town aforesaid, shall meet together upon the respective Lands, and there treat with the Owners and Persons interested in the said Lands, and buy of them 100 Acres (least prejudicial to the Owners) which shall be marked and staked into convenient Streets, Lanes and Allies, with spare places to build a Church, Market-house, &c. The remaining part of the said 100 Acres to be divided into 100 equal Lots, to be distributed as the Act at large directs.

III. In case any Person or Persons shall refuse to make Sale of the Lands before mentioned, or be disabled to sell by reason of non-age, Coverture, *nonsane* Memory, &c. then the Commissioners shall cause to be impanell'd a Jury of Free-holders, who being sworn, shall enquire and assess such damages and recompence as they shall think fit, to award to the Owners and Persons interested in the Lands; and what Sum of Tobacco the said Jury shall adjudge the Land to be worth, shall be paid to the Owners and Persons interested, by such Persons as shall take up the said respective Lots proportionably. And the said Commissioners shall cause the Surveyor General,

General, or Surveyor of the County, to Survey and lay out the said 100 Acres, and when the same is laid out and valued as aforesaid, whosoever shall take up, make entry of, and pay such sum of Tobacco as shall be rated upon any such Lot, and build a dwelling House thereon of 20 foot square, within a year after, shall by virtue thereof have an Estate of Inheritance in the said Lot, paying to *Charles*, Lord Baron of *Baltimore*, Lord Proprietary of this Province, his Heirs and Successors, 1 d. current Money for each respective Lot.

IV. Any Person that shall Build or Inhabit in such Port or Town, and owes any sum of Tobacco, and will pay the same in such Town, shall be allowed 10 per cent. for every Hoghead of 400 weight, to be deducted out of the Debt.

V. All Persons that have heretofore built upon any Lots taken up in either of the foresaid Towns, by virtue of any former Law, shall have and enjoy therein an Estate of Inheritance, under the Rents herein mention'd, and the Lots so built shall be deemed part of the 100 Lots aforesaid.

VI. At the Town and Port of *Seavern* in *Ann-Arundel* County, that parcel or neck of Land within *Levyneck* Cove and *Acton* Cove, adjoining to the said Town, shall be bought or valued by the Jury, paid for, and fenced in at the publick charge, as a Common of Pasture for the publick Use and Service.

VII. *An. 7. W. & M. 1695. p. 31.* The Town Land at *Oxford* in *Talbot* County, shall be again Surveyed and laid out before the Commissioners in the foresaid Act mention'd, bounding the same at low Water mark including the Island, and so to the old Tree at the Southernmost part of the neck.

VIII. And in the said Town and Port, as also at *Ann-Arundel*, places shall be laid out and reserved for the Building Ships and other Vessels. And the Officers of the Lord Proprietary for relieving his Duties, shall be obliged by themselves or Deputies, to reside at the said Towns and Ports, for the dispatch of Ships and other Vessels entering and clearing at the said Ports.

IX. The Port of *Ann-Arundel* shall for the future be call'd *Annapolis*, and the Port of *Oxford* shall be called *Williamstadt*; to which last 100 Acres of Land adjacent

to

to the Town shall be purchased for a Common of Pasture for the benefit of the said Town, &c.

Post and Letters.

I. *An. 11. W. 3. 1699. p. 55.* The Sheriff of each respective County shall take care of all publick Letters and Packets, and convey them expeditiously to the Sheriff or under-Sheriff of the next adjacent County, for which the several Sheriffs shall be allow'd the following sums, to be laid in the publick levy of this Province, *viz.*

II. To the Sheriff of *Ann-Arundel County* 1500 *l.* of Tob. to the Sheriff of *Talbot County* 1500 *l.* of Tobacco. To the Sher. of *Kent County* 800 *l.* of Tobacco. To the Sher. of *Cecil County* 1000 *l.* of Tobacco. To the Sher. of *Dorchester County* 800 *l.* of Tobacco. To the Sher. of *Somerset County* 500 *l.* of Tobacco. To the Sheriff of *Calvert County* 800 *l.* of Tobacco. To the Sheriff of *Prince George's County* 1000 *l.* of Tobac. To the Sher. of *St Mary's County* 800 *l.* of Tobac. To the Sher. of *Charles County* 1000 *l.* of Tob. To the Sher. of *Baltimore County* 800 *l.* of Tobacco. All which to be annually allowed to the several Sheriffs aforesaid for their charges in conveying such Letters and Packets as aforesaid.

III. Any Sheriff, Under-Sheriff or Deputy, that shall neglect or delay the speedy conveying such Letters, &c. shall forfeit to the King for every such Offence 500 *l.* of Tobacco, &c.

IV. All publick Letters and Packets shall be indorsed for his Majesties service, with the Persons name that sends them. And if any Person shall indorse any Letter in such manner, that is not for the Public Service, he shall forfeit 500 *l.* of Tobacco.

Proceedings at Law.

I. *An. 4. W. & M. p. 5.* All Bills, Plaints, Proceſs, Proceedings, Causes, Matters and Things whatsoever, commenced or depending in any Court of Law or Equity, or in the Court for Probat of Wills, since the 1st of April 1690. shall be good, notwithstanding any errors

errors therein by discontinuance or otherwise by the late Troubles.

II. Provided no Person shall take any benefit of this Act for any error or mistake in any Process, Pleas or other proceedings not occasioned by the said late troubles.

III. The 2 last years, viz. from 1690 to 1692, shall not be accounted, concluded and meant in the Statute of Limitations for payment or demand of Debts, or in the clause for returning of Certificates upon Land granted, or suing out Patents for Lands, but in those and such like cases the said years shall be passed by, and not counted for years thereby meant or mentioned.

IV. *An. 6. W. & M. 1694. p. 24.* All Actions, Suits, Causes and Proceedings in all Courts within this Province shall be taken and reputed as valid in Law or Equity to all intents and purposes, as any other Judicial Proceedings, and all Officers Military and Civil are confirmed, established and ratify'd, for, in, or by reason of any legal acting or proceeding in their respective Offices and Stations, from the Access of Sir *Edmund Andross*, Knight, to the present Governour *Francis Nicholson*, Esq; his arrival, any Clause, Imperfection, or want of Authority in the said Sir *Edmund Andross* or his Commission notwithstanding.

V. Provided nothing in this Act shall justify the said Sir *Edmund Andross*'s taking and disposing of the Publick Revenues, or debar the Assembly or any other Person of their Right or Claims to the same.

VI. *An. 11. W. 3. 1699. p. 69.* No County Court shall hold Plea of any Action upon Bond, Bill, Assumption, Reckoning or Account, where the Debt or Damages doth not exceed the sum of 200 *l.* of Tobacco, or 16 *s.* 8 *d.* in Money : but in all such cases it shall be lawful for any one Justice of Peace in the County where the Debtor resides, to hear and determine the matter, and to administer Oaths as occasion shall require ; and upon full hearing, to proceed as the nature of the case shall require, whose determination shall be final.

VII. All which the said Justice shall do without fee or reward ; and if the Party against whom Judgment shall be given, shall refuse or delay to pay such Debt as shall be awarded against him, the said Justice shall award Execution against him by *fi. fa.* or *Ca. fa.* directed to

the Sheriff of the County, who shall immediately execute the same *ex Officio*, saving to such Sher. his fees of Imprisonment, if the Party remain in prison 24 hours.

VIII. In all Actions brought in the County Court, if upon Tryal it doth appear, that the just Ballance doth not exceed 200 *l.* of Tobacco, or 16 *s.* 8 *d.* in Money, the Plaintiff shall be nonsuited.

IX. If any Action be brought in the Provincial Court of this Province, and upon Tryal it doth appear to the Court, that the just Balance is under 1500 *l.* of Tobacco, or 6 *l.* 5 *s.* in Money, the Plaintiff shall be nonsuited.

X. The High Court of Chancery in this Province shall not hear, determine, or give relief in any cause wherein the Original Debt or Damages doth not amount to the sum of 1201 *l.* of Tobacco, or 5 *l.* 1 *d.* in Money, but that the Judgments in the County Courts of this Province for 1200 *l.* of Tobacco, or 5 *l.* in Money shall be final.

XI. *An. 11. W. 3. 1699. p. 84.* No person whatsoever, his Executors, or Administrators, Living or Trading into this Province, shall for any Debt owing to him by Account, Book or otherwise, for which the Debtor hath not past his Hand and Seal, sue such Debtor for any such Debt, unless he first demand and require the same of the said Debtor, to prove which demand the Creditor or Demandants own Oath shall be sufficient.

XII. If the Debtor be not at home to be spoke with, then the Demandant shall leave a note under the Hand of the Creditor, or those he impowers; and if thereupon the same be not paid, then it shall be lawful for such Creditor to sue the Debtor, and recover against him such Cost and Damages as shall be adjudged upon Tryal.

XIII. In case any person shall sue and implead such Debtor contrary to this Act, he shall lose his Costs of Suit, and satisfy to the Debtor such Damages as shall accrue to him by such Suit.

XIV. Provided, this Act shall not extend to the Benefit of any Debtor either run away out of the Province, or wilfully absconding himself from his Creditor, but such may be proceeded against as before this Law made.

XV. An account sworn by the Plaintiff, or a Bill proved before any Justice of the Provincial Court, or any two Justices of a County Court, shall be sufficient Evidence to prove Debts in any Court within the Province, provided that the party who proves the Debt as aforesaid, shall at the same time declare upon Oath, whether he knows of any payment or discount of any parcel of the Debt or Account so proved: Which shall be rectified under the Hands of such Justices as aforesaid mentioned.

XVI. If any Defendant at the Tryal can prove either by Certificate as aforesaid, or otherwise, that any sum of Tobacco or Money hath been paid to the Plaintiff or his Order, in part of the Debt sued for, the same shall be discounted, and the Court shall give Judgment for so much only as remains due, with Costs of Suit. Provided the Ballance exceeds 200*l.* of Tobacco, or 16*s.* 8*d.* in the County Courts, and 1500*l.* of Tobacco, or 6*l.* 5*s.* in the Provincial Court, otherwise the Plaintiff shall be Non-suited. *Ut supra*, N. 8, 9.

Publication of Laws.

I. *An. 4. W. & M. 1692. p. 5.* All Acts that shall pass in this and all succeeding Assemblies, shall be fairly transcribed in Parchment, and by Writ under the Great Seal of this Province passed by the Chancellour, to the Sheriff of every County transmittted, with Commandment for them to proclaim and publish the same in their several respective Counties.

II. Every County shall pay to the Chancellour for such Transcript of the Laws, so much Tobacco as the General Assembly in which such Laws were made, shall assess and allow.

R.

Recognition.

An. 4. W. & M. 1692. p. The Title of K. William and Q. Mary Recognized. Re-

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XVI. If any Defendant at the Trial can prove either by Certificate as aforesaid, or otherwise, that any sum of Tobacco or Money hath been paid to the Plaintiff or his Order, in part of the Debt sued for, the same shall be discounted, and the Court shall give Judgment for so much only as remains due, with Costs of Suit. Provided the Ballance exceeds 200 *l.* of Tobacco, or 16 *s.* 8 *d.* in the County Courts, and 1500 *l.* of Tabacco, or 61 *s.* in the Provincial Court, otherwise the Plaintiff shall be Non-suited. *Ut supra, N. 8, 9.*

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R.

Recognition.

An. 4. W. & M. 1692. p. The Title of K. William and Q. Mary Recognized. Re-

Religion.

I. *An. 12. W. 3. 1700. p. 109.* The Book of Common Prayer and Administration of the Sacraments, with other Rites and Ceremonies of the Church of *England, &c.* shall be solemnly read by all Ministers in the Churches and other places of Worship in this Province.

II. For the Encouragement of able Ministers to come and reside in this Province, instead of Tithes, a Tax or Assessment of 40 *l.* of Tobacco *per Pole*, shall be yearly levy'd upon every Taxable person in every Parish in this Province. Which said Assessment shall always be paid to the Ministers of every Parish in manner hereafter express'd.

III. Every such Minister shall appoint and keep a Clerk of his Parish Church, and pay to such Clerk the sum of 1000 *l.* of Tobacco yearly, out of the said 40 *l. per Pole*.

IV. No Minister, Priest, or Magistrate, shall joyn any persons in Marriage, contrary to the Table of Marriages appointed to be set up in every Parish Church in this Province; Nor shall any persons forbidden to marry by such Table, presume to be joyned in Marriage, under the Penalty of 5000 *l.* of Tobacco, upon the Minister, Priest, or Magistrate, joyning, and the like Penalty upon the persons joyned in Marriage, to be paid to the King, to the uses in this Act hereafter mentioned.

V. In every Parish, where any Minister or Incumbent shall reside, no Justice or Magistrate shall joyn any persons in Marriage, under the penalty of 5000 *l.* of Tobacco to the King.

VI. Every Minister may receive of every person or persons by him married, the sum of 5 *s.* Sterling and no more, provided such persons come to the Parish Church at the time of Divine Service, to be married.

VII. The Sheriff of every County shall collect the aforesaid 40 *per Pole* of the several persons in their respective Counties, in such manner as the County levies collected, and pay the same to the Vestry of every Parish, where there is no Incumbent, but where there is an Incumbent it shall be paid to him; each Sheriff deducting 5 *l.* of Tobacco *per Cent.* and no more, for collecting.

VIII. The

VIII: The several Vestry-men of the several Parishes in this Province, shall be a Body Corporate, and remain by succession, for receiving the said 40 *l*: of Tobacco, and disposing the same as by this Act ordained, by the names of the principal Vestry-men, and his brethren Vestry-men of such a Parish, who are impowered to recover, take, and receive into their possession for pious uses, and the benefit of the Church and Parish, any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts, or other personal Estate whatsoever, given, granted, or bequeathed. And shall be capable of suing, or being sued by the Names and Titles aforesaid.

IX. The number of which Vestry, or Body Corporate, shall be six at least: And upon death or absence of any, the remaining part of such Vestry shall with convenient speed meet, and by majority of Voices, make choice of other discreet person or persons, Freeholders of such Place or Places. And the person so elected, shall take the Oath appointed by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and the Oath of a Vestry-man as appointed by this Act, and subscribe the Test and Association.

X: If any person so chosen a Vestry-man, shall refuse to serve and take Oaths aforesaid, he shall be fined 1000 *l*: of Tobacco to the King:

XI: Where there is a Minister or Incumbent Instituted, Inducted and Invested with the 40 *per* Pole, and residing in the Parish, he shall during his continuance be one of the Vestry and Principal thereof.

XII. Every Vestry shall appoint and keep a fit person for a Register, who shall fairly Register the Vestries Proceedings, who shall take the Oaths aforesaid, and also an Oath for the due and faithful Executing his Office: He shall also Register all Births, Marriages, and Burials, (Negroes and Mallato's excepted) persons concerned paying him 6 *d*. for entering the same, under the penalty of 100 *l*. of Tobacco. And such Register shall be obliged to shew any person desiring it the Register Book, or give a Certificate of any Birth, Marriage or Burial, that shall be reasonably required of him, receiving for his Fee 6 *d*. for a Search, and 6 *d*. for a Copy or Certificate:

XIII: Where there is no Register Book already provided, the Vestry of such Parish shall at the Parish charge provide such Book within 6 months from the end of this Session

Session of Assembly, under the Penalty of 500 *l.* of Tobacco, to the King.

XIV. The said Vestries shall meet frequently, and no Vestry-man, upon notice given, shall absent himself without lawful Impediment, under the Penalty of 100 *l.* of Tobacco.

XV. Where there is no Table of Marriages already set up in Churches, the Vestry shall within 6 months procure the same to be set up in their several and respective Churches.

XVI. The said Vestry-men shall yearly about the month of *January*, make Choice of 2 discreet Freeholders of their respective Parishes to be Church-Wardens for that year, upon penalty of 200 *l.* of Tobacco each Vestry-man (except the Minister) for their neglect.

XVII. Which Church-Wardens so chosen shall take the usual Oaths, and also an Oath well and faithfully to execute that Office the ensuing year. And if any so chosen shall wilfully refuse to serve, or to take the said Oaths, he shall be fined 1000 *l.* of Tobacco to the King.

XVIII. The Church-Wardens and Vestry shall take care constantly to pay the Parochial Charges, and cause all necessary Repairs and Amendments of the respective Churches, Chappels or Church-yards, to be perform'd as need shall require, and satisfy and pay for the same, either out of the 40 *per Pole*, where no Minister is, or out of such Gifts, &c. as shall come to their hands for the Church or Parish use. And if there be a Minister instituted, and the Vestry have no Effects in their hands, then the Justices of the County Courts, upon application to them made, may Assess the respective Parishes, not exceeding 10 *l.* of Tobacco *per Pole* in any one year, to be levied by the Sheriff, who shall not deduct above 5 *per Cent.* for his Salary.

XIX. No Minister or Incumbent shall at one time hold more than 2 Parishes, nor 2 Parishes but by consent of 2 neighbouring Vestries, and the appointment of the Governour, nor claim a larger part of the 40 *per Pole* than what the adjacent Parish shall agree with him to pay yearly.

XX. All Sums of Money, Goods and Chattels, or any other Interest, except Lands and the 40 *per Pole*, coming into the hands of the Vestry, shall be employ'd, 1. for repairs of the Church, &c. and providing decent Ornaments

ments and Requisites for the same, and other Parochial Charges; 2. for the Educating poor Orphans of the Parish; and if any thing remains over, to such other Charitable uses as the Vestry and Church-Wardens shall think fit.

XXI. In any Action commenced by a Vestry for the benefit of a Parish, they shall not be obliged to pay Fees or Costs of Suit, unless they recover in the same Action, nor pay the Defendant Costs in case the Vestry be cast.

XXII. Where there is no Minister in any Parish, the Vestry may provide some sober and discreet person for a Reader, allowing him what they can agree for, out of the 40 *per* Pole, not exceeding half of such Revenue yearly, and upon such Readers taking the Oaths, subscribing the Test and Association, and procuring a Licence from the Governour, he may read Divine Service, and Homilies, at the usual times in the Church or Chapel, therein demeaning himself according to the Liturgy of the Church of *England*.

XXIII. The Fines and Forfeitures given by this Act shall be recovered by Action of Debt, in the Kings name, and applyed to the use of the Parish.

XXIV. Several Acts formerly made, relating to Religion and Vestries, repeal'd.

Repeal.

I. *An. 4. W. & M. 1692. p. 18.* All Laws heretofore made within this Province are, and stand hereby repealed, annulled and void, and all Laws now made in this present Assembly shall be of Full Force, and esteemed as the Body of the Laws of this Province, and no other heretofore made.

II. Provided this Act shall not extend to make void any Acts of Naturalization, or any Private Acts heretofore made relating to private persons.

III. *An. 7. W. 3. 1695. p. 34.* Those Private Acts made at a General Assembly 1676, relating to the Estate of *Robert Cager*, and those Private Acts made 1678, for Naturalization of *James Peane, &c.* And all other Private Acts heretofore made, are Confirmed and Ratified, any Act heretofore made to the contrary notwithstanding.

IV. *An. 12. W. 3. 1700. p. 117.* All Laws made before the 28th of *June 1699*, are repealed and void, except such as by their peculiar Titles are exprest in a Schedule to this Act annext (*for which see the Act at large*) and Acts for private purposes, all which are hereby ratified and confirmed.

V. Saving to any person the Benefit and Advantage of any Suit and Action already commenced or Sued upon any the said repealed Acts.

Revenue.

I. *An. 4. W. & M. 1692. p. 12.* One Shilling per Hoghead of Tobacco exported out of this Province, shall be levy'd, collected, and paid to the King and Queen, their Heirs, and Successors, for the support of the Government of this Province.

II. The said Duty shall be paid by the Master of every Ship or Vessel in which such Tobacco shall be exported, upon his clearing; and upon the first arrival of any Ship in this Province, and before the loading on board any Goods, the Master shall give security for the payment of the said Duty.

III. Nothing in this Act shall be construed or taken to disantl or make void the Lord Proprietarys Right to another 1 s. per Hoghead to be paid him in consideration of his Rents and Alication-money, in Tobacco at 2 d. per pound during his Life, &c.

IV. Every Master of a Ship or Vessel shall the time of his clearing, declare upon Oath the quality and quantity of his Lading, which Oath shall be administred by the Naval Officer by the Governour appointed; and in case the Master shall refuse the said Oath, or there be cause of suspicion, the said Naval Officer may Enter on Board and Search for Goods not cleared.

Revival.

An. 12. W. 3. 1700. p. 116. An Act past in the year 1699. for *Limitation of Officers Fees*, and one other Act made at the same Assembly, for *Summoning Grand and Petty Juries*, revived and continued for 3 years, and to the

the end of the next Session of Assembly, which shall happen after the said 3 years. (*vid. Fees 9. and Fines 1.*)

Rights.

An. 4. W. & M. 1692. p. 3. Any person being a free Denizen, and Subject to the Crown of *England*, that within 5 years before had obtained of the Lord Proprietor of this Province any Warrant for any Land, by virtue of which any Land was surveyed and laid out before the Revolution, or before the 10th of *July, 1689.* and no Patent as yet granted for the same, such person, at any time within 12 months after the publication of this Law, appearing before the Justices of the County, where the Land lyeth, and producing before them a Certificate under the Surveyors hand, and proving the same to have been laid out *bona fide*, it shall and may be lawful for such person to have, possess, and enjoy, all such Lands and Tenements, so laid out and surveyed as aforesaid, and have and enjoy therein a pure and lawful Estate in Fee simple, and with all Priviledges and Immunities belonging to the same, as fully and absolutely as if a Patent from his Lordship had been granted for the same.

II. An. 7. W. & M. 1695. p. 36. All and every person and persons, who during the continuance of certain Acts of Assembly now repeal'd, did take up, pay for, or were ready to pay for any Lot or Lots of Land in any Town Land, and made due entry thereof, and built and improved upon the same, and followed the directions of the aforesaid Laws, such persons, their Heirs and Assigns, shall hold and enjoy a good and indefeazible Estate of Inheritance in Fee simple in the same, as fully to all Intents as if the said Laws were still in force, and not repeal'd.

III. Provided, such who have taken up and improved, and not yet paid the Price set upon the same, shall pay the value of the Lot so taken up, to the Owner upon demand, without Fraud or Covin.

S.

Secretary's Office.

I. *An. 11. W. 3. 1699. p. 78.* The Secretary of this Province, in whose Custody the Records remain, shall before the 10th of *March* next, enter upon Record in a new Book in large Folio, and substantial Paper, and well Bound, all Laws and Acts of Assembly then in force, and all other Laws hereafter to be made within 6 months after any Sessions of Assembly, and the same so entred shall be Signed by the Secretary, and Seal'd with the lesser Seal: Which Book shall remain in his Office. And the said Secretary shall cause a List of the said Laws to be entred in the said Book, and an Index directing to every Act, or in default of so doing shall pay as a fine 10000 *l.* of Tobacco, half to the King for the support of the Government, the other half to him that shall sue for the same.

II. For which doing the said Secretary shall be allowed at the next General Assembly, out of the Publick levy, what he shall reasonably deserve.

III. The Clerk of the House of Delegates shall transcribe the Journal of the said House within 2 months after the end of every Session of Assembly, upon penalty of 500 *l.* of Tobacco, half to King as aforesaid, half to him that shall sue, in any Court of Record, wherein no Effoin, &c.

Servants and Slaves. Runaways.

I. *An. 11. W. 3. 1699. p. 95.* No Servant or Slave shall travel above 10 mile from his Masters House, without a Note under the Hand of his Master or Overseer, under the Penalty of being taken up for a Runaway.

II. Any such Servant absenting from his or her Master or Mistress, shall serve 10 days for every one days absence.

III. Any Person that shall wittingly and willingly detain any Servant unlawfully absenting himself, shall be

be fined 5 *l.* of Tobacco for every night that such Person shall entertain such Servant, half to the King, half to the Informer.

IV. Any person travelling out of the County where he or she lives or resides, without a Pass under the County Seal (for which is to be paid 10 *l.* of Tobacco, or 1 *s.* in Money) such person, not being sufficiently known, or able to give a good account of himself if apprehended, shall be deemed and taken as a Runaway.

V. Whoever takes up a Runaway travelling without a Pass, and not able to give a good Account of himself, shall have 200 *l.* of Tobacco, to be paid by the Owner of such Runaway, or such other satisfaction as the Justices shall think fit.

VI. And if one of our Neighbouring *Indians* takes up or seizes a Runaway Servant, and brings him before some Magistrate, he shall have a Reward of a Matchcoat paid him, or the Value thereof.

VII. When any person apprehends or seizes a Runaway, he shall bring, or cause him to be brought before the next Magistrate, who shall take him into his Custody, or otherwise secure him, until such Person so seized shall give sufficient Security to answer the Premises at the next Court for the County, and make satisfaction to him that seized him; and that notice may be given to the Master or Mistress of such Runaway, the Justices of that County shall cause a Note of the Runaways Name to be set up at the next adjacent County Courts, at the Provincial Court, and at the Secretaries Office, that all persons may view the same, and see where such their Servants are.

VIII. Every Man Servant shall have given him at the time of the expiration of his Service, one new Hat, a good Cloath Suit, a new Shift of White Linnen, a pair of new *French* full Shoes and Stockings, two Hoes, and one Axe, and one Gun of 20 *s.* price, not above 4 foot Barrel, nor less than 3 and a half. And every Woman Servant shall have given her at the expiration of her Servitude, the like Provision of Cloaths, and 3 Barrels of *Indian* Corn.

IX. Whoever shall transport, or cause to be transported or convey'd away out of this Province, any Inhabitant indebted here, and not having a sufficient Licence, or Pass, shall be liable to pay all such Debts, Engagements, or Damages, which the person conveyed

away was liable to satisfy to any person in this Province, unless the same be otherwise satisfied in some convenient time, or that in short time he procure the person so convey'd away to return again. And whoever shall entice, or privately carry away any Apprentice, Servant or Slave, shall for every such Offence forfeit and pay to the Employer of such Apprentice, Servant, or Slave, treble Damages and Costs.

X. No person shall trade, barter, or any ways deal with any Servant or Slave belonging to any Inhabitant within this Province, without leave first had of the Master, Mistress or Overseer, under the Penalty of 2000 l. of Tobacco, one half to the King, the other to the Master, &c.

XI. If the Goods so traded or bartered as aforesaid shall exceed the sum of 1000 l. of Tobacco, the Party whose Goods shall be imbezled or barter'd away as aforesaid, shall have his Action at Law for the Damage sustain'd, against the person so dealing and bartering for the same. And in case the person so offending shall not be able to satisfy the same, then he shall be bound over by some one Justice of the Peace, to appear at the Provincial or County Court, where upon Conviction he shall be punished, by whipping on the bare Back with 30 stripes.

XII. A Servant Imported into this Province, without Indentures, if above the age of 22 years, shall be obliged to serve 5 years, if between 18 and 22, 6 years; if between 15 and 18, 7 years; if under 15, he shall serve till he attains the Age of 22 years.

XIII. Servants transported hither from *Virginia*, shall compleat their time of Service here, which they should have performed there, and no more.

XIV. All Owners or keepers of any such Servant as aforesaid, shall within 6 months after the receiving such Servant into their custody (if they claim more than 5 years service of such Servant) bring him or her into the County Court, where the age of such Servant shall be judged and entred upon record, under the Penalty of 1000 l. of Tobacco, to the King for support of the Government, &c.

XV. All Servants transported into this Province, shall have their time of Service commence from the first

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Maryland, now in force.

Anchoring of the Vessel within this Province, any Law or Custom to the contrary notwithstanding.

XVI. No Indenture made by any Servant during the time of his Service, shall any ways oblige such Servant for longer time, than by his first Indenture, or determination of the Court, shall be limited. Provided this Act shall not give any benefit to any Negro or Slave.

XVII. For all Runaway Servants or Slaves that shall be taken up in *Pensylvania* or *Virginia*, and from thence brought into this Province, and deliver'd to a Magistrate, the person who brings them shall have paid him by the Owner of such Runaway 400 *l.* of Tobacco and Cask, or 40 *s.* in Money; except Servants or Runaways brought from *Accomack* into *Somerset* County, or from the side of *Virginia* next the River *Potomack*; and for such, only 200 *l.* of Tobacco, or 20 *s.* And such Runaway, when free, shall make satisfaction by Service or otherwise, more than 10 days for one, as the Court shall adjudge, &c.

XVIII. If any Master, Mistress, or Overseer of any Servant, shall deny sufficient Meat and Drink, Lodging and Cloathing, or unreasonably labour them beyond their Strength, or debar them of necessary Rest and Sleep, the same being sufficiently proved in the County Court, the Justices may fine such Offender for the first and second Offence as they please, not exceeding 1000 *l.* of Tobacco to the King; and for the third offence, set such Servant so wrong'd at Liberty, and free from Servitude.

XIX. All Negroes and other Slaves imported into this Province, and their Children, shall be Slaves during their Natural Lives.

XX. Any White Woman, free or Servant, that suffers herself to be begot with Child, by a Negro, or other Slave, or Free Negro; such Woman, if free, shall become a Servant for 7 years; if a Servant, shall serve 7 years longer than her first term of Service: If the Negro that begot the Child be free, he shall serve 7 years, to be adjudged by the Justices of the County Court, and the Issue of such Copulations shall be Servants till they arrive at the Age of 31 years. And any White Man that shall get a Negro Woman with Child (whether free or Servant) shall undergo the same Penalties as White Women. All which Servitudes by this Act im-

An Abridgment of the Laws of

posed shall be disposed of or employ'd as the Justices of the respective County shall think fit, the Produce to be appropriated towards the relief of the Poor.

XXI. Every Woman Servant, having a Bastard Child, and not able to prove the Father, shall only be liable to satisfy the Damages sustain'd, by her Servitude, or otherwise as the Court shall see convenient. If such Mother do prove the charge by sufficient testimony of Witnesses, Confession of the Party, or pregnant Circumstances agreeing with her declaration in her extremity of Pains, and her Oath before a Magistrate, then the Party charged, if a Servant, shall satisfy half the damage, if a Freeman, then the whole damage by Servitude or otherwise. And if the Mother can prove by Testimony, or Confession of the Party, that the Father, being a single Person and a Freeman, did before her getting with Child promise her Marriage, it shall be at his choice to perform his Promise, or recompence her abuse according as the Court shall adjudge.

XXII. The Provincial and County Courts may hear and determine any complaints between Masters and Servants by way of Petition, give Judgment, and award Execution upon the same. And upon Appeal no such Judgment shall be revert for any matter of Form, &c. Provided it appears by Record, that the Defendant was legally summoned, and not condemn'd unheard, &c.

Settlements.

I. *An. 4. IV. & M. 1692. p. 18.* All Sales, Gifts and Grants, at any time before the 27th of March 1671, of any Lands within this Province, by any person who had right to Sell or Grant, made by Writing only, with or without Seal, shall for ever hereafter be good and valid in Law, any error in the Form only of such Writing notwithstanding.

II. All Sales, &c. at any time before the day and year aforesaid, made by persons who right had, if such Sale, &c. or payment of the Purchase money *bona fide*, can be proved by witness, shall for ever hereafter be good and available in Law, to bar the Heirs, or any person claiming Dower from such Vendor or Grantor.

III. *An.*

III. *An. 6. W. & M. 1694. p. 29.* The Act formerly made the 27th day of *March 1671*, entituled *An Act for quieting Possessions*, shall be in full Force and Vertue until the 13th of *April, 1674*, and not longer.

Sheriffs Office.

I. *An. 11. W. 3. 1699. p. 71.* Where any Merchant, or others, have within 12 months last past, or for the future shall receive, mark and nail any Hoghead of Tobacco of any Debtor within this Province, which hath been paid and delivered to them for satisfaction of Debts, and the said Creditors have thereupon delivered up their Bills or Securities, or given discharges, but before the said Creditors could remove the said Tobacco from the Debtors Tobacco-houses, if the Sheriff seize such Tobacco so markt and nail'd as aforesaid, in such case, if the Debtor refuse to give his Creditor some other full Satisfaction for the said Debt, any 2 Justices of Peace of the respective County, may upon due Proof thereof, award the Creditor Execution; with Cost (such Cost not exceeding 100 l. of Tobacco) against the Body, Goods and Chattels of such Debtor, to be executed by the Sheriff, in as full and ample manner, as if the Debt was recovered by due course of Law.

II. No Sheriff or Deputy shall seize any Tobacco unstript, or any Merchants or others Tobacco received, markt and nail'd as aforesaid, for any cause whatsoever but only for levies, in which case the Sheriffs may break the Lock of any Tobacco-house or other Houses. And the Sheriff so seizing any Hoghead containing more than what is justly due to the Publick for levies, without making satisfaction to the Party, or suffering him to take the Overplus out of such Hoghead, shall pay for every such default the sum of 2000 l. of Tobacco, one half to the King, the other to the Party grieved.

III. If any Sheriff shall seize any Hoghead of Tobacco, which shall weigh more than such Levy shall amount to, if the remaining or overplus part be the greater quantity, then the Sheriff shall take out of the Hoghead what is due to him for the levy, and leave the rest and the Hoghead to the Party paying the same; but if the remaining part be the less, the Party shall take that out.

out, and leave the Hoghead and the rest to the Sheriff.

IV. No Sheriff shall exact or receive from any Person whatsoever any Fee or Reward for serving any Writ or Process, &c. in any Criminal Cause, but shall do and execute the same *ex officio*, under penalty of 1000 *l.* of Tobacco for every such Offence, half to the King, half to the party grieved, to be recovered in any Court of Record, &c.

V. In all Actions of the Case, where damages are laid to be above 4000 *l.* of Tobacco, if no Declaration be sent with the Writ, expressing the true cause of Action, the Sheriff shall not require Bail above 8000 *l.* of Tobacco, tho the damages be laid in the Writ never so high. And the Sheriff offending herein shall forfeit 4000 *l.* of Tobacco, half to the King, half to the Party griev'd, &c.

VI. A Creditor that has Debts owing from the Publick, hath his election, either to apply to the Governor to put the Sheriffs Bond in suit, or immediately have an Action of Debt against the Sheriff of the County where such Publick Tobacco shall be due to such Creditor.

VII. No Person having publick Tobacco to him due, or Fees in any Sheriffs hands to collect, and doth not signify to such Sheriff his resolution of making use of the same on or before the 25th of *Decemb.* in the year the same shall be due, shall not take any benefit by this Act for that year. Nor shall any Sheriff levy by way of Execution any Publick Dues or Officers Fees, where the same have not been demanded at or before the 20th of *January* that year.

VIII. Where Publick Tobacco and Fees have been demanded within the times before limited, such demandant shall be obliged to take the same, and discharge such Debtor for so much as shall be by him received, and upon refusal of receiving such Tobacco, being viewed and found Merchantable, shall be weighed and markt for the Demandant, and be a sufficient discharge to the Persons paying the same, provided the same be tendered before the 10th of *April*.

IX. No Sheriff shall presume to levy any Publick Officers Fees where the Person can make appear that they have been paid, under penalty of treble the sum to the Party grieved.

X. The High Sheriff of every County shall be bound with security to the King in the full sum and just

quan-

quantity of two hundred thousand pounds of good sound Merchantable Leaf Tobacco and Lask, condition'd well and truly to serve the King, his Heirs and Successors, in the Office of High Sheriff of the County of *&c.* Which Bonds, if taken by the County Court, the Commissioners thereof shall transmit to the Secretary's Office, and such security is to be renewed yearly, so long as the Sheriff continues in Office. And the Governor may, where no just complaint is made against such Sheriff, continue and make good his Commission for the term of 3 years successively, and no longer.

Sunday.

I. *An. 8. W. 3. 1696. p. 38.* No person shall work upon the Lords day, commonly called *Sunday*, or command or suffer any under their Power to work or Labour (works of Necessity and Mercy always excepted) nor permit any under their authority to Prophane the Lords day, by Drunkenness, Swearing, Gaming, Fowling, Fishing, Hunting or other Sports, Pastimes or Recreations whatsoever.

II. The Offender herein shall pay for every Offence 100 *l.* of Tobacco to the use of the Poor of the Parish, being seen by a Magistrate, confest or proved before any Magistrate, by the Oaths of two Witnesses. In default of Distress, the Offender shall be bound over to the next Court, and to be during the Interval of Good Behaviour.

III. The Minister of every Church and Chappel shall 4 times a year read all Penal Laws of this Parish made for punishment of Vice, in their respective Parishes, on the Penalty of 2000 *l.* of Tobacco, to the use aforesaid.

IV. No Ordinary-keeper, or other Master or Mistress of a Family, shall directly or indirectly (unless in cases of absolute necessity) sell any strong Liquor whatsoever on the Lords day to any person whatsoever, or wittingly permit about their House any Tippling, Gaming, Exercise, or Pastime whatsoever. Penalty, upon Conviction by two Witnesses, 2000 *l.* of Tobacco, one half to the King to the use aforesaid, the other to him that shall Sue. And if an Ordinary-keeper, to lose his Licence.

V. The

V. The Clerks of the several County Courts shall permit the several Clerks of Vestries to take Copies of all and singular the Acts of Assembly relating to Religion, *gratis*. Under penalty of 2000 *l.* of Tobacco, to the use aforesaid.

T.

Taxes, and Customs.

I. *An 7. W. & M. 1695. p. 34.* None Residing or Inhabiting within this Province, shall export any Furs or Skins herein after mentioned, for *England*, or his Majesties Plantations in *America*, without paying the following Duties towards the maintenance of a Free-School or Schools, *viz.* Every Bears Skin 9 *d.* Sterling, Beaver 4 *d.* Otter 3 *d.* Wild Cat, Minks, Fishers, Woolf, 1 *d. ob. per Skin*, Musk-rat 4 *d. per dozen*, Racoons 3 *q. per Skin*, Elk 1 *s. per Skin*, Deer 4 *d.* young Bear and Cub 4 *d.*

II. All Non-Residents Exporting as aforesaid shall pay double Duties.

III. The said Impositions shall be collected by the respective Naval Officers, who shall once a year account for the same to the Governors, Trustees, and Visitors of the foresaid Free-School or Schools, who shall dispose the same to the uses aforesaid.

IV. Every person exporting Furs as aforesaid, shall at or before the Shipping of the same, render an Account upon Oath of the Skins to be exported, whose they are, and whether the owners be Inhabitants or Residents of this Province.

V. Whoever puts on board any Furs or Skins aforesaid, without paying the Imposition, or giving Caution for the same to the Naval Officer, and taking a Certificate, shall Forfeit and lose all the said Furs and Skins so Shipped, half to the King for the use aforesaid, and half to the Informer. And the Master of the Ship or Vessel who takes on board any such Furs or Skins for which no Certificate is produced, shall forfeit on

on Conviction, 5000 *l.* of Tobacco, half to the King for the use aforesaid, and half to the Informer.

VI. And the Naval Officers are impowered when they think fit to enter into any Ship, House, Warehouse, &c. and open any Trunk, Chest, &c. and search for Furs or Skins for which no Duty has been paid, and seize, and have the same condemn'd.

VII. Inhabitants of this Province shall pay to the King for the use before mentioned, for dried Beef and Bacon exported 1 *s.* the hundred weight, and so proportionably, and for Beef and Pork undried 1 *s.* the Barrel, each Barrel to contain 200 weight. And the Naval Officer shall have authority to enter and make search as aforesaid, &c. The Offender herein shall Forfeit his Meats, and the Master of the Ship so taking aboard as aforesaid, 5000 *l.* of Tobacco, half to the King to the use aforesaid, half to the Informer.

VIII. All persons Trading to or from this Province, shall be deemed as Non-residents, that have not a seated Plantation of 50 Acres at the least, and have therein resided during one whole year, or have a House in some Port or Town of 40 foot in length and 20 in breadth, with 2 Brick Chimneys, and therein resided one year. Provided no Person Trading directly from *England* hither, shall be deemed or reputed as a Foreigner, but every such Person shall have free Liberty in the exportation of Skins or Furs, and any Meat dried or undried, equal with the Inhabitants of this Province, paying such Duties as aforesaid.

IX. *An. 11. W. 3. 1699. p. 67.* All Masters of Ships or others importing *Irish* Servants into this Province, shall pay to the Naval Officer of the Port where the Entry is made, the sum of 20 *s.* Sterl. *per* pole, for every *Irish* Servant so imported, or forfeit 5 *l.* Sterl. for every Servant concealed, one half towards defraying the Publick levy, the other to the Informer.

X. For every Negro so imported, the Importer shall pay 20 *s.* *per* pole, or forfeit 5 *l.* *per* pole as aforesaid.

XI. The Importer of any Rum or Wine, shall pay 3 *d.* *per* Gallon, to be applied to the uses aforesaid, Liquors from *England* excepted.

XII. Ships built in this Province, and solely belonging to the Inhabitants thereof, shall be exempted from paying the Imposition of 3 *d.* *per* Gallon aforesaid.

XIII. No

XIII. No Rum or Wine shall be put on Shoar, without due entry thereof made with the Officer, for collecting the same in the Port where imported, or before the Duty paid or secured, and a Warrant for landing thereof signed, upon pain of forfeiture to the uses as above said.

XIV. In consideration of leakage and other damages, the Officer may make allowance and abatement of 20 Gallons in every hundred Gallons of Liquors duly enter'd as aforesaid.

XV. Officers Collecting the said Duty, and suspecting any Fraud or Deceit in concealing, &c. may enter into any Ship or House on shoar, and from thence seize such Liquors, for which the Duties are not duly paid or secured. And all Officers, Civil and Military, are required and enjoyn'd to be aiding and assisting.

XVI. All such Naval Officers shall give good security, and be sworn well and faithfully to gather the impost to arising, and to account twice a year, and pay the Impost to the publick Treasurer, to be disposed towards the defraying the Publick levy of this Province.

XVII. Every Master of a Ship or Vessel wherein such Liquors shall be imported, shall at his Entry render upon Oath an Account of the quantity and quality of such Liquors, and give good security for payment of the Imposition.

XVIII. The Naval Officers collecting the said Duties, shall have for Sallary 8 *l. per cent.* and no more.

XIX. He who imports Rum or Wine, and within 3 months after exports any of the same, shall be allow'd by way of Draw-back, three fourth parts of such Imposition. Provided he make Oath, that the Rum or Wine to be exported, is part of that which he imported.

XX. This Act to endure for 3 years, and to the end of the first Session of Assembly that shall happen after the said 3 years.

XXI. *An. II. W. 3. 1699. p. 77.* Every Constable shall yearly before the 20th of *June*, repair to every House within his Hundred, and there require of the Master or Mistress, a true list under their hands of all the Taxable Persons in their respective Families, of which he shall send one Copy to the Sheriff, and another he shall present at the next County Court.

XXII. Every

XXII. Every Master or Mistress who shall deny to give such List, or conceal any Taxable Person in their Family, he or she shall forfeit and pay for every such Offence, and for every Person so concealed 500 l. of Tobacco. And every Constable neglecting his Duty, shall pay 500 l. of Tobacco, half to the King, half to the Informer.

XXIII. If any Inhabitant of this Province shall purchase any Taxable Person, he shall with convenient speed give notice thereof to the Constable of the Hundred, who shall give an account to the next County Court.

XXIV. All Male Children born and resident in this Province after the Age of 16 years; all Male Children Servants imported of the Age of 16; all Slaves, either Male or Female imported of the Age of 16; and all Freemen within this Province (except Clergy-men and poor impotent Persons that receive Alms from the County) shall be accounted Taxables.

Tobacco.

I. *An. 4. W. & M. 1692. p. 9.* Whosoever shall dispose of any Tobacco or other Goods seized by the Sheriff for Fines, or Levies, or Officers Fees, or alter or scratch out the mark, or change the quality of such Tobacco so received by the Sheriff or others, without lawful Order or Warrant for so doing, he shall upon Conviction, restore fourfold to the Party grieved, and stand in the Pillory 2 hours.

II. No Person shall be prosecuted upon this Act after 3 years from the time the fact shall be committed.

III. *An. 11. W. 3. 1699. p. 78.* Every Inhabitant within this Province having a Plantation, whereon he maketh or causeth to be made any Tobacco, shall build and erect upon every such Plantation a good tight House, with Door, Lock and Key, sufficient to contain the Tobacco made there.

IV. Every Inhabitant having such a Plantation as aforesaid, that shall pay away or dispose of any Tobacco to any Merchant or other Person, shall notwithstanding secure and keep the said Tobacco, as he would his own proper Goods, for the space of one year and no long-

longer. And if any Tobacco so received as aforesaid be damaged or stole for want of such House, the Party neglecting to provide such House, shall make satisfaction to him that received it.

V. Nothing in this Act shall make any Inhabitant liable to any Damage, that may happen to any Tobacco so left with him to keep, through any other casualty whatsoever.

Trade.

I. *An. 8. W. 3. 1696. p. 37.* If any Person be indebted to any other Person, residing in, or Trading to this Province, any sum of Tobacco or Money, above 200 *l.* of Tob. or 12 *s.* and not above 10000 *l.* of Tobacco, or 50 *l.* Sterl. and the Creditor is desirous of a speedy recovery of the same, he shall, when he sues out his Writ against the Defendant, deliver therewith to the Sheriff a true Copy of his Declaration, and if the Sheriff can serve the Writ 8 days before the Return, and at the same time give the Defendant a Copy of the Declaration, the said Defendant shall be obliged to come to a Tryal upon the return of the Writ, without any imparlance.

II. The Justices of the County Courts may award Judgment against such Defendant, upon his refusal or neglect to plead, except in extraordinary Cases or Accidents, at the discretion of the Justices.

III. The Sheriff of every County shall at the next County Court after the publick levy or allowances comes to his Hands, deliver a Copy thereof signed by him to the County Clerk, who shall make a true Copy thereof, and set it up at the Court House, and Record the other. The Penalty for not so doing 2000 *l.* of Tob.

U.

Usury.

I. *An. 3. W. & M. 1692. p. 15.* No person whatsoever within this Province shall upon any Contract, take directly or indirectly for Loan of any Money, Wares, Merchandize or other Commodities whatsoever, to be paid in Money, above the value of 6 *l.* for the forbearance of 100 *l.* for one year, and so proportionably. Nor for the Loan of any Tobacco's, Wares, Merchandizes, &c. to be paid in Tobacco or other Commodities above the value of 8 *l.* of Tobacco for the forbearance of 100 *l.* of Tobacco and so proportionably.

II. All Bonds, Contracts, &c. made for any greater use or Interest than as aforesaid shall be utterly void. And all and every person or persons, who shall by any deceitful Ways or Means, Covin or Engine, take more than aforesaid for the forbearance or giving day of Payment, shall forfeit for every such offence the treble value of the Money, Tobacco, Wares, &c. so lent, &c. one half to the King for support of the Government, the other for him that shall sue for the same in any Court of Record by Action, Bill, &c. wherein no Effoin, &c.

W.

Waters.

I. *An. Dom. 1698. p. 47.* The Persons in the Act named, or any 3 of them, are appointed Trustees, to purchase in the Kings name 50 Acres of Land near adjoining to the Fountains of healing Waters, called the cool Springs lately discovered in *St Maries County*,
G
and

and thereon to build and erect Houses for entertainment of the Poor, and providing necessaries for their relief.

II. The said Trustees some time before the 10th of *April* next, shall meet together on the said Land, and then and there agree with the Parties interested, and buy the said 50 Acres, in which the said Springs shall be included.

III. If the Proprietors of the said Land shall refuse to sell, or be disabled to make a good Title to the same, then the High Sher. of *St Maries* County shall impanel 12 Freeholders, who upon their Oaths shall value the said 50 Acres, as it shall be Surveyed and laid out by direction of the Trustees.

IV. The sum to be paid for the Purchase shall be levied by an equal Assesment upon the Inhabitants of this Province. And whatever the said Trustees shall do in pursuance thereof, is hereby ratified and confirmed, and the said Trustees shall be indemnified, &c.

Weights and Measures.

I. *An. 4. W. & M. 1692. p. 14.* No other Weights and Measures shall be used in Trading, than what are according to the Statute of *Henry 7, King of England.*

V. 11. H. 7. ch. 4. & 12. H. 7. ch. 5. persons shall be appointed by the Justices of the several Counties, to take care of the Standard, Weights and Measures, who are to provide all such Weights and Measures as are wanting.

II. There shall be in each County 12 half hundred Weights, a quarter, a half quarter, a 7 pound weight, 4 pound, 2 pound and one pound; also Brass measures of Ells and Yard seal'd in *England*; likewise Bushel, half Bushel, Peck and Gallon of *Winchester* measure, with Gallon, Pottle, Quart, Pint and half Pint of Wine measure, with burnt Stamps for Wooden Measures, and other Stamps for Pewter. The persons appointed and procuring the same, to be reimbursed out of the County levy.

III. To which Standards all persons are to repair and bring their Stilliards yearly to be tryed and stamp'd, paying 2 s. So also for Barrels, Bushels, &c. paying for each

each Barrel 1 s. and every other measure 6 d. under the penalty of 1000 l. of Tobacco, &c. one half to the Poor of the Parish, the other to the Informer.

Wills and Administration.

I. *An. 11. W. 3. 1699. p. 87.* The Judge or Commissary General for Probat of Wills, and granting Administrations, shall hold his Court once in 2 months at least, and shall proceed according to the Laws of *England*, saving in such cases as by this Act is provided.

II. The said Judge shall call all Executors and Administrators to account within 12 months after the Administration committed, and if any Administrator shall refuse to account upon Citation, the Judge shall revoke his Administration, and grant it to some other person, who shall sue first Administer for an account of the Intestates Estate, and in case it appears he hath wasted, the Judge shall assign the first Administrators Bond to the latter Administrator to be releived for such Waste.

III. Upon account given by the first Administrator, and after Debts and Funeral Expences paid, the Judge shall allow to the Widow (if any) one third part of the clear Estate, the other two to be equally divided among the Children (if any) if none, between the next of Blood of the Intestate.

IV. After this division the Judge shall transmit the account thereof to the Justices of the respective County, who shall put the Persons, Lands and Goods of the Orphans into such hands as they shall think fit, taking Bond with two sufficient Sureties, &c.

V. No Negroe or Slave shall be sold by any Administrator for payment of Debts, or Execution served on Negroes or Slaves, so long as there shall be other Goods sufficient, &c.

VI. No account shall be allowed to any Administrator or Cuardian to any Orphan, against the Estate of the Intestate, for Dyet, Cloaths, Physick or Education, but the Orphans shall be maintained and Educated by the interest of their Estate and increase of their Stock, which if too small, such Orphan shall be put Apprentice to some Handicraft Trade, till the age of 21 years,

unless some Kinsman will maintain him for the increase of his small Estate. Provided no Orphans shall be put into the hands of any person of a different Religion from his Parents.

VII. Cattel, Horses and Sheep, shall be returned in kind and number, by the Guardians of Orphans. So also for Money, Plate and Jewels; but Household Stuff and Lumber shall be appraised, and the value thereof paid to the Orphans either in Money or Tobacco.

VIII. Every Male Orphan shall be at full age to receive his Estate from his Guardian at 21 years. But of age to Administer as an Executor at 17. And every Female Orphan shall be accounted of full age to receive her Estate at 16, or day of Marriage which first happens.

IX. All Negroes and Slaves shall be praised to the Guardians or Trustees, and preserved by them and the like number of Slaves of like Ability of Body returned to the Orphans at their full age. But if any of the said Slaves be grown aged, lamed or impotent, the County Court shall adjust the matter.

X. In like manner, all Servants for years shall be returned in kind to the Orphans at their full age, the same in number, Age and Sex, and of like ability as near as can be guest.

XI. The Judge for Probate of Wills shall transmit desperate Debts to the Justices of the County Court, where the Estate shall lye, who are to enquire of the same, and take care about the same, &c.

XII. The Justices of County Courts shall yearly in June Court, enquire by a Jury not under 12 men; how Orphans are Maintained and Educated, and if Apprentices, how used and taught their Trade, and if they find any default herein to redress the same, &c.

XIII. No more shall be allowed to Guardians and Trustees for collecting Orphans Debts than 10 *per Cent*.

XIV. All persons appealing from the sentence of the Judge for proving Wills, shall within 15 days after sentence enter his appeal before the Governor, and within 15 days more Petition the Government to examine the sentence, or appoint some other person to hear and determine the same, whose sentence shall be final.

XV. All Bonds taken for the use of any Orphans shall be sued, recovered in the names of such Orphans.

XVI. The

XVI. The Commissary General of this Province or Judge in Testamentary causes, shall from time to time, constitute and appoint some able and sufficient Freeholder in every County to take the Probate of any Last Wills or Testaments, and likewise granting Administrations of persons dying intestate in the respective Counties. But if any dispute arises concerning the right to Administrations or Executorship, the same shall be divided by the Commissary General or Judge, and not by the person appointed in the County, neither shall he grant Administration, or take Probate, till the dispute shall be determined by the proper Judge. The Fees of such persons appointed to take Probats, &c. shall be 150 *l.* of Tobacco if the Inventory be above 2000 *l.* of Tobacco; if under, then 50 *l.* of Tobacco, and no more.

XVII. All Guardians of Orphans having a real Estate of the Orphans, shall (unless the Testator hath otherwise ordered by his Will) within one month after his taking on him the Guardianship, cause the Land and Plantation to be viewed in the presence of one Commissioner, and an Estimate to be made of the annual value of the same by the Oaths of two indifferent persons, &c. and the same to be certified under their Hands and Seals, and attested by the said Commissioner, which is to be recorded at the next County Court, and shall be sufficient Evidence for the Orphan, when of age, to recover double damages, for any Waste or Destruction, other than what hath been certified and thought necessary.

XVIII. The Commissioners of every County Court, shall upon presentment of the Orphan Jury, or other Information, of any Waste or Destruction committed by any Guardian, examine into the same, and upon proof require the Guardian to give sufficient security to make satisfaction to the Orphan when of age, and upon refusal a new Guardian shall be appointed who shall sue the former for the said Waste and Damages, &c.

XIX. The several Deputy Commissaries appointed in each County as aforesaid, are impowr'd to audite and allow such accounts as come before them relating to the deceased's Estate, not exceeding 50 *l.* Sterling, and transmit the same to the Commissary General; for which he shall

shall be allowed as Fee the sum of 50 l. of Tobacco and no more. If any party concerned, objects against any Article in the said accounts, the Deputy Commissary shall mark that Article, and transmit the accounts and all papers thereto belonging to the Commissary General, before whom the same shall be tried.

XX. Widows having devises shall have their Election, to take and receive the same in full satisfaction to their claims, to the Real and Personal Estate, and be thereof bar'd for ever, or refuse such Legacies and Devices, and take the 3d part of the personal and Real Estate as Widows whose Husbands dye Intestate.

XXI. Where Widows marry second Husbands, who permit the Estate of the first Husband to be Wasted and Embezill'd, to the damage of the Orphan Issue of the first Husband, such second Husband suffering Waste, shall be lyable to account, and to be sued for the same by such Orphan if of age, or if under age by his Guardian.

XXII. The Judge for Probate of Wills shall hereafter take good and sufficient security of all Executors and Administrators to the use of the Orphans in any Will mentioned, for the true performance of such Will according to Law and intent of the Testator.

XXIII. Every person that shall not within 15 days after sentence given against him in the Court for Probate of Wills, enter his Appeal, and within 15 days more procure examination thereof by a Court of Delegates, nor in the mean time comply with the sentence of the said Judge, or give in security to perform the same, the said Judge may issue forth under his Hand and Seal an Attachment against the Body of such person and imprison him until he complies.

XXIV. When any Executor or Administrator shall appraise the Estate of the deceased, he shall give notice and call together two of the next of Kin, and two of the Creditors of the deceased, if any be, who shall be present at the Appraisment with the sworn Appraisors, and shall certify to the Commissary or his Deputy that they were present at the Appraisment and do approve thereof. And without such Certificate no Judge or his Deputy shall except or receive any Inventory.

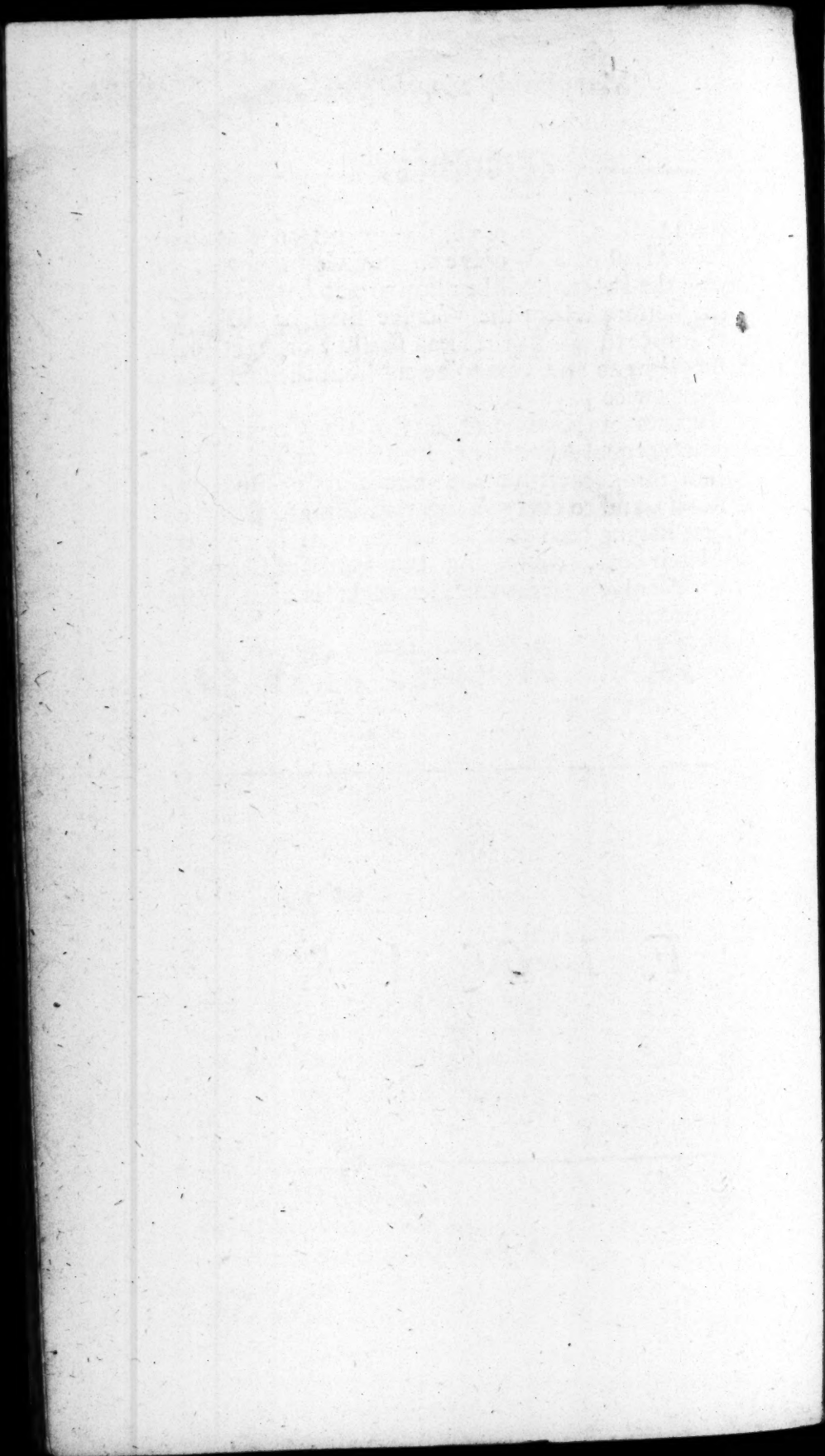
Maryland, now in force.

Woolves.

I. *An. 11. W. 3. 1699. p. 58.* Every person that shall bring the Head of a Woolve to any Commissioner or Justice of the Peace, shall be allowed 200 l. of Tobacco from the County where the Woolve shall be kill'd, and the said Justice to whom the Head shall be brought shall cause the Tongue and Ears to be cut from the said Head to prevent twice paying the same.

II. Justices at the time of laying the County levy shall raise by equal Assessment, such sums of Tobacco as they shall think meet for the purchasing of Buffels or Match-coats, and to every *Indian* that brings a Woolve's Head, not having been paid for before, shall be delivered on Match coat, containing two yards of Duffells; and such Woolve's Heads shall be markt as aforesaid to prevent deceit.

F I N I S.



A N

ABRIDGEMENT

OF THE

Laws and Ordinances

OF

NEW-ENGLAND.

THE Planting of Collonies in the several Northern parts of *America*, having met with extraordinary success and encouragement, the establishing the Government of those Collonies under good and wholesome Laws, for the security of the Lives and Properties of the people, and for the Peace and Defence of their Plantations, was the next thing to be proceeded upon.

The *English* Plantation in the *Maseachusset* Bay, commonly call'd *New-England*, being by Pattent from King *James* the First, that Pattent reserving the Sovereignty to the Crown of *England*, gave the full Power to the people to choose a Governour, Council and General Court, in manner of a Parliament, who should have full Power of Administration and Execution, and also of making such Laws and Ordinances as they found convenient for the Publick Good, which Laws are contain'd under the following Heads.

A. Agt.

A.**Age.**

No person shall convey Lands or Hereditaments, or Val in Eleccons of Publick Offices, to give Verdict or pass Sentence in any Civil or Criminal Court or Cause, till they are of the Age of 21 years.

Orphans at the Age of 14 years may choose their Guardians.

No person under the Age of 21, shall Plead or be Impleaded in their own Names, in Civil Cases, but in the Names of their Parents, Masters or Guardians.

But in Criminal Cases a Minor shall answer in his proper person for such Misdemeanours as he shall commit, and may also Present or Inform of any Misdemeanour in others.

Adultery.

If any person commit Adultery, with a Married Woman or a Maid, or Woman Espoused, both the Man and the Woman shall be put to Death.

Actions.

In all Actions of Debts, Accounts, Slander, Actions of the Case concerning Debts or Account, it shall be at the choice of the Plaintiff, to Try them in what place he pleases, within the Jurisdiction of the Court where he or the Defendant dwelleth. Unless by consent under both their hands, and in such case, they may Try the Cause where they please.

All other Actions to be Tried within the Jurisdiction where the Cause of Action did arise.

In all Actions of Trespafs, where Damage is pretended above 40 s. and on hearing, the Damage shall appear to be

Ordinances of New-England.

3

be less than 40 s. the Plaintiff shall be Non-suited and pay Cost of Suit.

No Action to be Enter'd after the 1st day of the Courts sitting, and for all Actions delaid till afternoon of the said 1st day, double Fees shall be paid for Entrance by the Plaintiffs, and not to be recovered of the Defendant.

Suiters Commenc'd where no Cause of Action shall appear, the Plaintiff, shall pay the whole charge of the County Court both for Time and Expence as far as they shall judge was occasioned by him, and may further Impose a fine upon him as the Merit of the Cause shall require, and the like on the Defendant if they find him in fault.

Vexation accous, or Suiters to pay Treeble Damages to the party Griev'd and to be fin'd 40 s. to the Common Treasury.

Appeal.

Any person Cast, Condemn'd, Non-suited or Sentenced in any Inferiour Court, may Appeal to a Superior Court, viz. the Court of Assistant, as also from the Sentence of any Magistrate or Person appointed to hear and determine small Causes, to the County Court of that Jurisdiction where the Cause was so determined.

Appellant must tender their Appeal before the Judges of the Court they Appeal to, and put in Bail to prosecute it, and to satisfie all Damages before Execution.

Execution upon an Appeal not to be till 12 hours after Judgment, except by special Order of Court.

Appeals in Criminal Cases, to give security for the Appearance, and to the good Behaviour.

Appeals in matter of Law, to be Determined by the Bench, in matter of Fact, by the Bench and Jury.

In an Appeal to the Court of Assistants, in any Capital Offence, if 2 in 5, or 3 in 7, or the like proportion of the Magistrates present, give their Judgements in favour of the Appellant, or otherwise descent from the Sentence of the Court, the Appellant may Appeal from them to the next General Court.

Appeals shall be Recorded at the charge of the Appellant, and certified to the Court to which they are made.
Per-

Persons Appealing, shall give their Reasons in Writing under their Hands or their Attorneys Hands, which Reason shall be given in to the Clerk of the Court, from which the Appeal is made, six days before the beginning of the Court to which the Appeal is made.

Reasons for Appeals to be without reflections on Court or Parties and in decent Language:

Appeals made and not prosecuted according to Law, the Appellant besides his Bond given to the party shall forfeit 40 s. to the County.

No person who has sat as Judge, or Voted in any Inferiour Court, in the Case in which he is Appealed from, shall have any Vote in the same Case in the Court, Appealed to, but the Case shall be determined by persons no way concerned in it before.

1654. In all Cases of Appeal the Court Appeal'd to shall Judge the Case according to the former Evidence, and no other, and may Reverse the former Judgment if they find Cause.

1654. But if the matter of Fact is found to agree with the former Court and the Judgment be according to Law, they may not reverse the Judgement, but may abate or Encrease Damages as they find cause.

1670. Appeals in Cases Tryable before the Courts of Assiation in *Portsmouth* and *Dover*, may be made to their next County Court in *Portsmouth* and *Dover*, and not to the Court of Assistant at *Boston* as formerly.

Appearance.

A. 1641. No Man be punished for not Appearing before any Civil Assembly, Court, Council, Magistrate or Officer, nor for the omission of any Office or Service, if necessarily hindred by any Act of Providence, which he cou'd neither foresee nor avoid.

Provided this Law shall not prejudice any person of his just Cost or Damages in Civil Action.

Apparel.

No person whose Visible Estate Real or Personal shall not exceed the value of 200 l. shall wear any Gold or Silver

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Silver Lace, Gold or Silver Buttons, or any Bone Lace above 2 s. per yard, or Silk Hoods or Scarfs, on the penalty of 10 s. for every Offence, and the Offendor to be presented by the Grand Jury.

The Select Men of every Town, or the major part of them may take notice of the Apparel of their respective Inhabitants, and such as they shall judge to exceed their Ranks and Abilities, in the Costliness of their Apparel, especially in wearing Ribbands, or great Boots, (Leather being so scarce a Commodity in this Country) Lace, Point, Silk Hoods, Scarfs, &c. the Select Men may cause such persons to be attested in the Country Rules at two hundred pounds Estate, and cause them to pay as such Men pay, to whom such Apparel is suitable and allow'd.

This Law not to extend to Magistrates, or publick Officers or their Wives or Children, or any settled Military Officer, or any Souldier in time of Service, or any who have had any Education above the Ordinary Degree, or any who have had Estates to allow it, tho they may be decayed. *A. 1651. P. 5.*

Apparel exceeding the Quality and Condition of the person or Estate to be presented and adjudged by the Grand Jury or the County Court where such complaint is made, this party to be admonished upon Conviction for the first Offence, to pay 20 s. for the second 40 s. the second 40 s. for the third and 40 s. for every Offence afterwards the Fines to be paid to the Treasury of the County. *A. 1662.*

A Taylor making Cloaths or Garments for any Children or Servants, under Government, contrary to the mind and order of their Parents or Governours, shall for the first Offence be admonished, and for the second Offence shall pay double the value of the Garment so made, half to the Owner and half to the County. *A. 1662.*

All Grand Jury Men are enjoyn'd to present all Officers in Apparel. *A. 1662.*

Arrests.

No Man shall be Arrested or put in Prison for Debt, if the Law can find any competent means of satisfaction from his Estate, except in special Contracts *A. 1641.*

In case no satisfaction can be obtained by Law, he may be Arrested and Imprisoned, where he shall lye at his own charge, not the Plaintiffs, till satisfaction be made, unless the Court shall otherwise determine.

No person shall be kept in Prison for Debt, but when there is an appearance of some Estate conceal'd. *A. 1641.*

Any Court or Commissioner Authoriz'd by the General Court, may Administer an Oath to the Prisoner for the discovery of any Estate conceal'd, and for his Release, but if the Prisoner be Released upon his Oath he shall satisfy by Service, if the Creditor Require it, but shall not be sold to any but of the *English Nation.* *A. 1647.*

The Goaler or Keeper shall not stand charg'd with Victuals and Necessaries for any Prisoner in Civil Actions, and in Case the Prisoner hath no Estate, and will depose upon Oath that he is not worth 5 *l.* the Plaintiff shall provide for his Relief or else the Keeper shall not stand charg'd with him.

All such charges the Plaintiff shall have power to Levy by Execution if he can find Effect,

No Prisoner shall be suffered by the Keepers to go at Liberty without the Precincts of the Prison, without Licence of the Court that committed him, or of the Creditor for whom the Execution is Granted, the Keeper to be fin'd at Discretion, and to pay the Debt. *A. 1662.*

Attachments.

The Plaintiff if he be a settled Inhabitant, may Summon or Attach the Defendant as he pleaseth. But if he be a Forriegner, no Attachment shall be granted him against a settled Inhabitant, without security first given to prosecute his Account, and to satisfy such Costs in case he be Cast, as the Court shall award.

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Legal notice shall be given of all Attachments of Goods and Chattels, Lands or Hereditaments, by writing left at the House or usual place of Abode of the Defendant, otherwise the suit shall not proceed.

If the Defendant be out of the Jurisdiction of that Court where the Attachment lyes, the Cause shall go on to Tryal, but Judgment shall not be entered till the next Court, and one default of Appearance, Judgment shall be entered but Execution shall not be granted, till the Plaintiff has given security to be Responsible to the Defendant, if he shall reverse the Judgment within one year or such further time as the Court shall direct.

All Original Procefs, whether by Summons or Attachment shall expresse in whose Name the Plaintiff sueth, whether in his own, or as Executor of the last Will and Testament, or Administrator of the Goods and Chattels or Assignee, Attorney, Guardian or Agent for such or such a Man, whose Names shall also be expresse'd at length in the said Procefs, or otherwise if exception be taken before the Parties joyn Issue, it shall be good, and the Plaintiff shall pay Cost. 1642. 1651.

Marshals may serve Attachments, in any Town under the Jurisdiction of that Court where the said Marshal is an Officer, 1641 notwithstanding the Law directs that all Attachments shall be directed to the Constables, in such Town where no Marshal dwells.

Provided no more Cost be charged on the Defendant than by Law are due to Constables for Attachments 1662.

B.

Bakers.

Every Baker shall have a distinct mark for his Bread, and shall be obliged to the Assizes of Bread, settled in proportion to the several prices of Wheat as follows.

When

When Wheat is at

3 s. 0 d. per Bushel, the Bread must Weigh, each penny Loaf.	White.		Wheaten.		Housh.	
	l.	q.	l.	q.	l.	q.
	11	1	17	1	23	0
3 6 ——— ——— ———	10	1	15	1	20	2
4 0 ——— ——— ———	9	1	14	0	18	2
4 6 ——— ——— ———	8	1	11	3	16	2
5 0 ——— ——— ———	7	3	11	2	15	2
5 6 ——— ——— ———	7		10	2	14	0
6 0 ——— ——— ———	6	2	11	0	13	0
6 6 ——— ——— ———	6	0	9	2	12	2

Bread.

All Bread found under Weight to be forfeited to the use of the Poor of the Town, where the Offence is committed.

Every Market-Town shall have two persons Annually chosen to be Sworn at the next County Court, or by the next Magistrate, and to have power with or without a Constable, to enter into any House where they shall suspect or be informed that Bread is Baked for sale, to Weigh the Bread and Sieze all such as shall be found defective.

The Officers shall have one third of all forfeitures to themselves, the rest to the Poor.

Brewers.

None may undertake the Trade of Brewing for Sale or Shipping, but such as are known to have good Judgment and Skill in the Art and Mystery of a Brewer.

If any Beer bought of a Brewer for any Ship or Vessel, to be used at Sea, proves unfit, unwholsome and useless for their supplies, either thro the Insufficiency of the Mault, or defect of the Brewing or unwholsome Cask, the person so wronged may recover equal damage by Action against the person that sold the Beer.

Barratry.

If any man be prov'd or judg'd a common Barrater, vexing others with unjust, frequent and endless Suits, the Court may both reject his Cause and punish him for his Barratry. 1641.

Ballast.

No Ballast shall be taken from any Town Slow, without allowance under the Hands of the Select men of that Town, under penalty of six-pence for every shovel-full.

But any person may take up such Stones or Ballast as they themselves had cast out and laid there before.

No Ship or Vessel may cast out any Ballast in the Channel of any Harbour, or in any place inconvenient to any Harbour, under penalty of 10*s*. A. 1546.

Benevolence.

No Benevolence shall be granted except in Forreign occasions, and when there is Mony in the Treasury, and the publick Debts first satisfied. A. 1641.

All Gifts and Legacie given and bequeath'd to Colledge Schools of Learning or any other publick use, shall be truly and faithfully disposed of according to the true and declar'd intent of the Donor.

The County Court may take cognizance of all Gifts and Legacies, to publick uses as aforesaid, and may require an account of all persons who are trusted to receive or improve such Gifts or Legacies, and Pleas see Cause may appoint Feoffees of trust to settle and Mannage them according to the will of the Donors.

Bills Assigned.

Bills or other Specialties may be assigned, and the right of account shall be in the Assignee so that he may sue

sue for the same in his own name or by Attorney, provided the said Assignment be made by Edorsment on the back of the said Bill or speciality.

Bond-men.

No Man shall buy or sell any Slaves, nor no person shall be subject to Slavery, Villenage or Captivity 11- lets such as are Lawfully taken in the Wars, and such to have Christian usage, and such Liberties as was allowed to Bond-men by the Laws of *Moses*. A. 1641.

This shall not extend to Exempt any from servitude, who shall be adjudged thereto by Authority.

Bounds of Lands.

Every Town shall set out their Bounds, within 12 months after the same is granted.

The Select Men of every Town shall once in 3 years begin at the time of the first setting out of bounds appoint 3 or more persons, Inhabitants of the Town, who together with the adjacent Towns shall go the Bounds betwixt their respective Towns and renew their marks.

The marks or Boundaries of Towns must be a great heap of Stones or a Trench Dug in the Earth, six Foot long and two foot broad, the most ancient Town to give notice to the other of the time of the Preambulation.

The time for renewing of Marks, and setting out Bounds of Towns shall be in the first or second month, and every Town that shall neglect the renewing their Bounds shall forfeit 5 l.

The three Men appointed to renew the Bounds shall go at the charge of the respective Towns, and be under the direction of the select Men of the said Town.

If any particular person has Lands in common with any Town or other particular person, he shall go the Bounds betwixt his Lands and other Mens once every year, in the first and second Months, and if being requested so to do he shall refuse or neglect he shall
for

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forfeit for every day 10 s. half to the party requesting him, and the other half to the Town. A. 1651.

Breach of the Peace.

If any Man shall beat, strike or hurt any other person, he shall pay to the party stricken, beaten or hurt, or by fine to the County or both such sum or sums at the County Court, Magistrate, Commissioner or Associate, who are left at Discretion to judge according to the circumstances of the Offence, the danger of the Wound, the Weapon us'd, the time, place, person, provocation or other merit of the case.

To keep possession of any House or Land by force, after Execution upon the judgment Legally obtained and duly sued, or to enter again upon the said House or Land, and keep possession by force, shall be deem'd a Breach of the Peace, and the Magistrate shall in such case give Warrant to the Mareschal or Constable, or such Officer as he thinks fit; the said Mareschal or Officer requiring aid as he finds occasion, by Force to give possession to the Plaintiff, and shall commit the Offendor their aiders or abtitors.

The Offendor shall answer the said Breach of the Peace at the next sitting of the same Court where the judgment was obtained, and the said Court may let such fine or other punishment upon them as the merit of their several cases doth require.

Bridges.

Bridges shall be made and repaired in such places and in such manner as by the County Court or a Committee appointed by them shall be found necessary.

Bridges shall be made and repaired at the charge of the County, and shall be proportioned by the Magistrates in each County Court, to be levy'd upon the several Towns in each County, according to the direction of the Law for County rates.

If any Bridge or High-way be defective, and due warning be given to the select Men of the Town, in whose bounds the said defect is, in writing under the Hand of two person Witnesses to the said warning, or

after legal presentment of the same to the County Court, and it shall happen that any person in passing the said defective Bridge or High-way shall lose his Life, the County or Town which ought to secure or repair the said Bridge or High-way, shall pay a fine of one hundred pounds to the Parents, Children, Husband, Wife or next of Kin to the Deceased.

If any person lose a Limb, break a Bone, or recover any Bruise or Breach in any part of their Body thro such defect of any Bridge or High-way, or any damage happen to any Team, Cart or Cartage-Horse or other Beast or to their loading, the County or Town thro whose neglect such hurt or damage is sustained, shall pay to the party hurt or damaged, double damages, due notice being first given as in case of Life.

Any Magistrate is impowered to issue out Warrants to the Constable, upon the request of any Town or other person employed to repair any Bridges or High-ways, to impower them to Impress such Workmen, Carts or Horses in their proper Town-ships as shall be needful for the securing and repairing the same, who shall be paid for their work by Town or person to whom such Bridge or Passage do belong. *A.* 1648. 51. 59.

Burglary and Robbery.

All Burglary's or Breaking up of any Dwelling-house, Ware-house, Shop, Mill, Malt-house, Barn, Ship on Shoar or Out-house; and all Robberies committed on the person of any Man or Woman, in the Field or High-way, shall be punished for the first Offence with Branding on the Forehead, with the Letter (*B.*) for the second Offence the Offendor shall be Branded again and severely whipped, and for the third Offence, shall be put to Death. *A.* 1642.

If the said Burglary or Robbery be committed on the Lords Day, he shall besides the former punishments lose one Ear for the first Offence, and the other Ear for the second, and dye for the third as before. *A.* 1647.

Bastardy.

The Father of a Bastard Child legally Coviected, shall maintain and bring up the Child at his own charge, or shall pay a certain allowance to the Mother at the Court from time to time, according as circumstances shall appoint.

The Oath of the Woman accusing any Man of being the Father of a Bastard Child, where other Proof is wanting, shall be sufficient evidence to make the person liable to the charge of maintenance, but not to any punishment, due by the Law in cases of Fornication or Adultery, except the circumstances shall tender it doubtful to the Court in which case they may acquit him.

Blasphemy.

If any person whether Christian or Heathen, shall wittingly and willingly Blaspheme the Holy Name of God, Father, Son or Holy Ghost, with direct expresse presumptuous Words of Blasphemy, as by willful or obstinate denying the true God or his Creation or Government of the World he shall suffer Death.

If any person shall Curse God or his Holy Religion and Worship, or shall utter any other kind of Blasphemy or such Words as shall be adjudged Blasphemy he shall suffer Death.

Beastiality.

If any Man or Woman shall lye with a Beast or Brut Creature by Carnal Copulation, they shall be put to Death, and the Beast shall be slain and Buried not Eaten.

Burgesses, &c.

Free Burgesses must be Members in full Communion of some gathered Church or Congregation, and of such Church

Church as is or shall be gathered by the Consent of other Churches already established in the County.

Free Burgeses may choose out of their own Body, such fit and able Men as they shall approve to be the Ordinary Judges in inferiour Causes in their respective Towns.

Free Burgeses may choose their Deputies and Committees, who joyn'd with the Governour and his Assistants to make up and Constitute the General Court or representative of the Counties.

C.

COURTS.

The General Court.

The General Court consisting of Magistrates and Deputies, is the chief Civil Power of this Common Wealth.

The General Court only hath power to raise Money and Taxes upon the whole Country, to give and confirm properties of Land appertaining to and immediately derived from the Country.

The General Court hath the only supream Legislative Power, and the only power of Judicature, by Impeaching and Sentencing any person or persons according to Law and by hearing, receiving and redressing the Complaints and Grievances of the People.

The General Court may not proceed to Judgment in any Cause, Civil or Criminal, before the Deputies have taken the following Oath.

I Do Swear by the Most Great and Dreadful Name of the Ever Living God, that in all Cases wherein I am to deliver my Vote or Sentence against any Criminal Offence, or between Parties in any Civil Case, I will deal uprightly and justly, according to my Judgment and Conscience, and

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I will according to my Skill and Ability assist in all other Publick Affairs of this Court. faithfully and truly, according to the duty of my place, when I shall be present in and to the service.

This General Court, as they consist of two parts Magistrates and Deputies shall sit and act apart, in two distinct Bodies, or Bills, Acts, Laws or Orders agreed on each House, shall be transmitted to the other House, to receive the ascent or descent of the said other Body.

No Act of either Body shall pass or be accounted a Law or Act of the General Court, until it hath pass'd the majority of both Bodies or Houses, viz. without the consent of the major part of the Magistrates in one Body, and the major part of the Deputies in an another Body.

All Acts, Orders and Conclusions that have duly pass'd by the majority of both Magistrates and Deputies as aforesaid, shall be accounted Laws and Acts of the General Court, and shall be Engrossed accordingly, and shall on the last day of every Session, be read deliberately over before the whole Court in one united Body.

If the Magistrates and Deputies happen to differ in any matters of Judicature, whether Civil or Criminal, the said difference shall be decided by the majority of Votes of the whole Court met together.

The Governour, Deputy Governour or a majority of the Assistants may at any time upon urgent occasion call a General Court, but no General Court shall be Dissolved or Adjourned without the consent of a major part of themselves.

The Governour shall have the casting Vote, when ever there shall be an *Æqui Vote* in the Courts of Assistants or Genetal Court, and the President or Moderator in all Civil Assemblies.

The General Court, Assemblies by Warrant of the Governour or Deputy Governour, once every Quarter or Half-year, or oftner as affairs may require,

The General Court may call the Governour, and any of or all the Magistrates to an account, for the breach of any Law or any other Misdemeanour, and may censure them as the merits of the case may require.

The General Court may hear and determine causes without Appeal, and may cite any Cause depending in another Court, to be brought before them, and may assume the cognizance of the said Causes.

Courts of Assistance.

Two Courts of Assistance shall be held yearly at *Boston*, composed of the Governour, Deputy Governour and the Magistrates of *Boston*, who shall meet on the first *Tuesday* in *March*, and the first *Tuesday* in *September*.

The Court of Assistance may hear and determine all Actions of appeal from Inferiour Courts, all Capital and Criminal Cases, extending to Life, Member or Banishment, all Causes of Divorce.

The Governour, or in his absence the Deputy Governour, as they shall judge necessary, may call a Court of Assistance for the Trying of any Malefactor in Capital Causes.

County Courts.

County Courts shall be held in every respective Counties to consist of the Magistrates living in the respective Counties, or any other Magistrates that can attend, and such Magistrates together with such other person of worth at the General Court shall at any time, where they find there is need, appoint at the nomination of the Free-men of the County, who shall be joyn'd in Commission with the Magistrates, which persons so Commissioned, must be five in number, three whereof may hold a County Court provided there be one Magistrate.

The County Courts may hear and determine all Causes Civil or Criminal, not extending to Life, Member or Banishment, make and constitute Clerks, and all other Offices for the County, summon Juries for the Inquest, or of Oyer and Terminer from the several Townships.

The times for the holding the
County Courts are as fol-
lows.

SUFFOLK County at *Boston*.

The last *Tuesday* in *April*, *July*, *October* and *January*
in every Year.

NORFOLK.

At *Salisbury*, the second *Tuesday* in *April* ; at *Hapton*
the second *Tuesday* in *October*.

ESSEX.

At *Salem*, the last *Tuesday* in *June* and *November*
at *Ipswich*, the last *Tuesday* in *March* and *September*
Piscataqua at *Dover* and *Portsmouth*, the last *Tuesday* in
June.

MIDDLESEX.

At *Charles Town*, the third *Tuesday* in *June* and
December ; at *Cambridge*, the first *Tuesday* in *April* and
October.

YORK-SHIRE.

At *York*, the first *Tuesday* in *July*.

HAMP-SHIRE.

At *North-Hampton* the last *Tuesday* in *March* ; at
Springfield, the last *Tuesday* in *Sept*. Courts

Courts Special.

In any Case concerning any Stranger, who cannot without prejudice attend in the County till the sitting of the Ordinary Court, the Governour or Deputy with any two Magistrates, or when they cannot attend it, any three Magistrates, may upon the request of such Stranger and one or more other Strangers, or between such Stranger, and any other person, tho the said causes where otherwise Tryable in other Courts.

The Records of the proceedings in any Special Court shall be transmitted to the Records of the Court of Assistance, and entered there, in the Records from other Courts, the Charges of such entry to be paid by the party who is cast in the Suit. *A. 1659.*

Any Court may receive an Action from a Stranger against any person not Residing or Inhabiting in the Country, and upon proof made of Legal Summons shall proceed to Judgement in the case.

All Criminal Cases, whether the Offendor be in Custody or under Bayl shall be tryed at the next Court that hath cognizance of such Cases. *A. 1641.*

No Court shall transfer a Case coming before them, and proper for their cognizance, whether Civil or Criminal, to the hearing and determination of another Court.

But in case of difficulty any Court may state the matter of fact, leaving out the Parties Names, and present it to the General Court for their opinion, who shall resolve it, and according to the said resolution the Inferiour Court shall proceed to Judgment and Execution at their next meeting. *A. 1654.*

Every Court in this Jurisdiction, has power to admit Free-men, provided they are Church Members and may give them the Oath, and the Clark of the respective Courts, must certifie their Names to the next General Court. *A. 1641.*

Any one or more of the Magistrates may adjourn any Court of Justice, if they see cause as much as if all the Magistrates had been present, and all Jury Men, Witnesses and Parties Summoned to attend, are bound by such adjournments and shall not be Summoned again
and

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and all proceedings are to receive in force, as if the ordinary course of time had been continued. *A. 1661.*

The Clerks and Recorders as well of the Publick Courts of Justice, County Courts or other Special Courts shall be Sworn to the faithful discharge of their Offices, before they are admitted to act in any of the said Courts.

The Court of Assistance must be seven, whereof the Governour or Deputy Governour, to be one, but in extream and urgent necessity, when alio means have been us'd to get together more of the Members and the businels will not admit of delay, the Acts of so many as do assemble are sufficient and valid.

Cruelty.

No Man may exercise any Cruelty, upon any Brute Creatures kept for Labour or Use of Man. *A. 1641.*

No Man may inflict cruel Punnishments or Correction upon Servants or Children, nor shall any Sentence of any of the Court of Justice, Condeinn any person to be Beaten or Whipped with more than 40 Stripes.

Conveyances.

No Sale or Alienation of Lands or Tenements shall be holden good in Law, except the same be done by Deed in Writing, Signed with the Hand, and Sealed and Delivered, and possession given upon the Premises of part in the name of the whole by the Seller, or some one authrized and impowered by Writing under Hand and Seal, to deliver the Possession. *A. 1652.*

All Deeds and Conveyances of Lands or Tenements, wherein any Estate of Inheritance is to be posted, the clause of Conveyance shall be in these Words, *viz. To Have and to Hold, the said Premises Respectively to the Party or Grantee, his Heirs and Assigns for ever.*

If it be an Estate Entail'd, it shall be express'd thus, *To Have and to Hold, &c. to the Party or Grantee, and to the Heirs of his Body Lawfully begotten; or to the Heirs Male of his Body, Lawfully Begotten, between him and such or such an one his present Wife, or to Have and to Hold*

Hold the Grantee for Term of Life, nor for so many years.
A. 1651.

Lands given or granted, or to be granted by the Inhabitants of a Town, are not obliged to the form prescribed by the Law in case of Common Conveyances.

Former Deeds and Conveyances remain good and valid, notwithstanding any prescribed method since past into a Law.

Promises, Deeds or Conveyances obtained by Illegal violence, Imprisonment, Threatning or any kind of forcible compulsion shall be void. *A. 1641.*

Fraudulent Alienations and Conveyance of Lands Tenements or Hereditaments shall not defeat any Man of his due Debts or Legacies, or from any just Title, Claim or Possession of the Lands or years so fraudulently conveyed.

No Grant, Sale or Mortgage of any Lands, Tenements, Rents or other Hereditaments, where the Grantee, Seller or Mortgager remains in possession, shall be in Force, except against the Granter himself or his Heirs, unless the same be acknowledg'd before some Magistrate and Recorded according to Law.

All former Grants made before the last *October, 1640* shall be entered before the Magistrate before the end of one month, from the said last of *October, 1640* or else shall not be of force against any but the Granter and his Heirs.

If the Granter be not in the jurisdiction, he shall enter within 3 months after his return.

If such Granter being required by the Grantee, his Heirs or Assigns shall refuse to make an acknowledgment of any Grant, Sale, Bargain or Mortgage made by him, the Magistrate may commit the person so refusing to Prison without Bayl or Mumprife, until he shall acknowledge the same, and the Grantee may enter his caution with the Recorder of the County Court, and such caution shall secure his Interest in the mean time.

The Clerk of every County Court shall enter all Grants, Sales, Bargains or Mortgages, together with the Names of the Granter and Grantee, and the particulars of the Estate granted, together with the date thereof.
A. 1642.

Constables.

The Constable shall execute the Judgment of Authority on the persons of Criminals in their respective Towns, unless they can get another to do it for them.

The Constable shall collect all such Rates and Assessments, as shall from time to time be committed to them by Warrant, under the Hands of the select Men of their respective Townships.

Offendors committed to the charge of the Constable shall be by him received, and forthwith convey'd from Constable to Constable, till they are brought to some Magistrate who may dispose of them as the Justice of the Cause shall require.

The Constable shall receive and duly put forward all Hue and Cryes, for the discovering and apprehending of Theives, Robbers House Breakers or other Capital Offendors.

Where no other Magistrate is near, the Constable has full power to make, sign and send forth pursuit, or Hue and Cry after Murderers, Manslayers, Peace-breakers, Theives, Robbers, Burglaries and other Capital Offendors.

The Constable may apprehend without Warrant such as are in Drink, Swearers, Sabbath-Breakers, Lyars, Vagrants, Night Walkers, provided they be taken in the manner.

The Constable may search for all such Offendors, when there shall be occasion in all Publick Houses, or in any other suspected places, and may apprehend them and keep in custody, till he can bring them before the next Magistrate.

But if the Constable be employed by the Magistrates, he shall not act without Warrant in Writing.

If any person being required to assist the Constable in searching for or Apprehending any Offendor shall refuse his Assistance, they shall forfeit ten Shillings, to the use of the Country to be levy'd by Warrant from any Magistrate before whom the Offendor shall be brought.

If the said refusal was wilfully, obstinately and contemptuously made, he shall forfeit 40 s. to the use of the County.

Every

Every Constable shall have a black Staff of five foot long, tipped at the upper end five inches with Brass, as a Badge of his Office, which he shall take with him when ever he acts as Constable, the Staff to be provided at the charge of the Town.

If any Constable refuse or neglect his duty in prosecuting Hue and Cry, after any Capital Offenders, he shall forfeit for every Offence. 40 s. 1646.

The charge of Hue and Cry, after persons escaping from the Countys Prison, or flying from justice shall be paid by the General Treasurer of the County, and after persons flying from any County Goal, shall be defrayed by the Treasurer of the respective County. But the charge of Hue and Cry procur'd on private occasion shall be paid by the person for whom the same were Granted.

Constables may Arrest by Writ, serve Summons and Attachments, in such Towns where no Marshal dwells.

Condemn'd Persons.

No Man Condemn'd to dye, shall be Executed within 4 days next after his Condemnation, except in case of Martial Law, or some special Cause to the contrary.

No Man put to Death shall remain Unburied twelve hours, unless in case of Anatomy.

The Secretry of the General Court shall Sign all Warrants for the Execution of Condemn'd Criminals.

Clerks.

In every Town within this Jurisdiction, there shall be a Clerk of the Writs, to be nominated by the respective Towns and allow'd by the County Court.

The Clerk of the Writs, shall Grant Summons and Attachments in Civil Actions, Summons for Witnesses, Grant Replevin and take bounds and securities for prosecution of Suites Commenc'd.

The Clerks of the Writs may receive as his Fees for every Warrant two pence, an Attachment Replevin three pence, and a Bond four pence, and no more for himself, and three pence more of Attachments, on behalf of the Marechal General.

Chyrurgeons and Midwives.

No Surgeon Midwife or Physitian, may upon the Body of any person perform any Operation, Cure or Practice of Art, tho never so agreeable to the Rules of Practice, without the consent of the Patient, if they be *Mentis Compotes*, and of their nearest Relations, if they be not. Nor upon the Body of any Child, without the consent of the Parents or Guardian of the said Child.

Children.

All Parents and Masters of Families are obliged by themselves or others, to Teach or Cause to be taught, all their Children, so much Learning as they may be able to Read perfectly the *English* Tongue, upon penalty of 20 s. for every Offence.

All Masters of Families, are to teach their Children and Apprentices, the knowledge of the Capital Laws, on penalty of 20 s. for every Offence.

Masters of Families are to Catechize or cause to be Catechized, their Children and Apprentices at least once a week, in the Grounds and Principles of Religion.

The select Men of every Town, may examine the Children and Apprentices, in any Family within their respective Towns, and if they find them Rude and Ignorant they shall admonish the Parents and Masters, and in case of continued neglect, may with the consent of two Magistrates, or the next County Court, take such Children or Apprentices from them, and place them with such other Masters as will reduce them to Government and Instruction. A. 1642.

Children so removed by the Magistrate, shall be oblig'd to serve the Masters they are placed with; Males till the age of one and twenty, and Females to the Age of eighteen years.

If any Child or Children, above sixteen years old, and of sound Understanding, shall smite with the Hand, or Curse with the Mouth, his or their Natural Father or Mother, he or they shall be put to Death, unless it can be prov'd that the Parents have been Unchristianly

christianly negligent in their Education, or have so provok'd them by extream and cruel Correction, that they have been forc'd to it in their own defence.

If any Parent have a Stubborn and Rebellious Son, of sixteen years of Age and of sound Understanding, his Father and Mother, being his Natural Parents, accusing him of Stubborness and Rebellion, and other notorious Crimes, he shall be put to Death.

If Children or Servants behave themselves disobediently or disorderly towards their Parents or Masters, upon complaint made, any one Magistrate, may Grant a Warrant to the Constable, to bring the Offenders before him; and upon proof of the Fact, may appoint such Corporal punishment, by whipping or otherwise, as in his Judgment he shall think meet, not exceeding ten Stripes for every Offence.

Or the Magistrate may bind the Offendor, to appear at the next County Court.

Any person convicted of entertaining or enticing Children or Servants from their Parents, Masters and Employments, either in Publick Houses or otherwise, shall forfeit for every Offence 40 s.

Any person who shall Lend Money, or give Credit of Good to any Youth, or other person under the Age of one and twenty years, without order from their Friends in Writing under their Hands, they shall lose their Debts, and if the Youth or Person under Age, commit any Crime by means of such assistance, whereby he or they shall incur any penalty, the Party so Lending or Crediting him, shall pay it as if the Crime had been their own.

If any Parent or Guardian shall unreasonably and wilfully deny any Child timely and convenient Marriage, upon complaint made to Authority, they shall be redressed. 1641.

No Orphan during their Minority, not committed to Tuition or Service by their Parents during their Life time, shall be absolutely disposed of by any Guardian or Tutor, without the consent of some Court wherein two of the Court of Assistants to be present.

In case of Marriage of an Orphan, the majority of the select Men of the Town, shall be deem'd a sufficient ascent to the disposal of the person.

The Minority of Women in the case of Marriage shall be sixteen years. A. 1646.

Charges of the Publick.

No Governor, Deputy Governor, Assistant, Associate, Grand or Petty Jury-Man, Deputy for the General Court, or Commissioner for Military Discipline, shall be obliged to meet or attend the publick Affairs at their own charges, but their necessary expences shall be defray'd, either by the Town, or Shire, or Country in general, according to the service they are upon.

Every Inhabitant shall contribute to all charges both in Church and State, to be asselt by the Country Rates and levy'd on Defaulters by Distress.

The Lands and Estates of all persons shall be rated in the Towns wherein they lye, and their persons in the Towns where they dwell.

The Treasurer for the time being, shall once every year in the month of *July*, without expecting any order, Issue out his Warrant to the Constables of every Town, to Summon the Inhabitants of every Town to chuse a Commissioner for Assessments.

The Commissioner for Assessment, together with the select Men of every Town, shall once every year in the month of *August* make an exact List and Survey of all the Male persons from sixteen years old and upward, and all the Estates Real and Personal belonging to, or reputed to belong to any of the Inhabitants, or under their custody and management, and shall Assess and Rate the same to pay to the use of the publick according to the following rates (*viz.*) Every person except Magistrates and Elders of Churches, *twenty pence per Head*. And all Estates, whether Real or Personal, *one penny per pound*.

The Estate of Merchants, Shop-keepers and Factors shall be rated by common Estimation, at the Discretion of the Assessors, having regard to their reputed Stock or Estate, whether it be visible or not, and if the person so Tax'd can make it appear that they are over rated, the Assessors may remit part as they see cause, or they may complain to the General Court.

Cattel shall be Rated by the following proportion,
every Bull or Cow of 4 years old, at 3 *l.* value. Every Heifer

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Heifer or Steer from 3 to 4 years, at 2 *l.* 10 *s.* from 2 to 3 years at 2 *l.* and from 1 to 2 years, at 1 *l.* Every Ox of 4 years, at 5 *l.* Every Horse or Mare of 3 years old and upward at 5 *l.* from 2 to 3 at 3 *l.* 1 year to 2 at 1 *l.* 10 *s.* Every Ewe or Wether Sheep, above 1 year old, 10 *s.* Every Goat above one year at 8 *s.* Every Swine above one year old at 20 *s.* Every Ass above 1 year old, at 2 *l.* and all Cattel under a year old. And all Hay and Corn in the Hand of the Husbandman are exempted from this Tax, because Tax'd already in the Land.

Trades-men and Artisans to be Rated by Estimation of their profits, but all persons disabled from their Employments by Sickness, Lameness or other infirmity, to be excepted.

Children and Servants that take no Wages, their Parents or Masters shall be Tax'd for them.

The Commissioners shall meet the first *Wednesday* in *September* in the Shire Town of every County, to compleat the Book of Assessment and the List of Males, and having sign'd them shall Transmit them to the Treasurer who shall Issue his Warrant to the Constables for the Collection, the whole to be levy'd and remitted to the Treasurer before the 20th of *November* every year.

Every person Tax'd shall pay to the Constable both for himself and his Land in the same Town where he is Assessed, and the said Constable, if the Treasurer require it, shall convey the Money collected to *Boston*, and may Press Boats or Cart (for the carriage of it, the charge to be allowed in his accounts.

Peculiar Estates not laid to any Town shall be Rated and Assessed in the next adjacent Town.

Commissioners or select Men, neglecting to compleat or transmit to the Treasurer the Lists and Assessments of his or their Town or County shall forfeit 40 *s.* for every Offence, or make good the damage the County shall suffer, not extending 40 *s.* for every Offence, provided Information be given, or complaint made within six months.

The Officer upon non payment of the Rates Assessed may Distrain any sort of Goods or Cattel, and if no Goods, Land or Houses, and if no effect can be found, may attach the Body of the person and detain him in Prison till the next County Court, or till payment be made, or security given.

Cows

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Cows shall be taken in payment upon any Rate, at the Prices set by the General Court from year to year and if no price be set, then at the price current to be judg'd by the Commissioners of *Essex*, *Middlesex* and *Suffolk*.

No Man shall be Assessed for any Lands he possesses in *England*.

Constables shall clear their accounts with the Treasurer before the 1st of *May* every year, on the penalty of *5 l.*

Constables charg'd with any Assessments, may continue to finish and collect the same, and may Distrain on non payment, altho their Office of Constable be expired, and on non payment of the Money by them collected, the Treasurer may Distrain the Goods of the Constable.

If the Constable neglect to pay the Money to the Treasurer, and the Treasurer neglect to Distrain it, he shall be answerable to the County, and if any Constable is not able to make payment, the Treasurer shall Distrain any able Man or Men in the Town, who shall pay the Money, and upon Petition to the General Court, shall have a Warrant to collect it over again upon the Town with reasonable damages upon the arrival of any Stranger or Foreigner, with Cargoes of Merchandizes, to be sold or disposed in the Country, the select Men of the Town where such do arrive, shall Assess all such Strangers, according to the Cargoes of Goods they bring with them, and if they refuse to give a particular of their value they shall assess them according to their opinion of their value in proportion to a single rate, payment to be made and levy'd as in other cases, by Warrant from the said select Men.

Ministers regularly ordain'd, and over some Church regularly constituted by the Laws of this Country, are exempted from all Taxes for themselves or Estates.

Cattle.

All Cattle shall be markt, and every Town shall give a distinct Brand or Mark, which shall be appointed by the County Court, and the Clerk of the Writs in every Town shall keep the Copy of all the Marks so settled.

The Mark shall be plac'd on the home left Buttock or Shoulder of all Cattle, which feed in open Common without keeper.

Any Cattle not markt, committing any Trespass, the Owner shall pay double damages.

No person knowing or having notice of any Beast which is unruly, and us'd to breaking Bounds or Fences, shall suffer such Beast to feed in Common, or in any Ground next to Corn Fields, or to any Improprate fenc'd Grounds, without Shackles or Fetters to prevent Trespass.

In case of Trespass by Cattle, the party aggriev'd shall procure two of the Inhabitants of good repute to view and adjudge the damage done, which the Owner of the Beast shall satisfie whether the Beast was impounded or not, but the party Trespas'd may omit such a view and bring his Action.

Upon such a view, if the Owner live in the same Town, he shall have notice of the view and the Judgment given, which if he approve not of, he may nominate one Man, and the party damnify'd another to make a Review and Judgment, which being discharg'd together with the charge of notice, the first Judgment shall be void.

The Judgment upon a Re-view of damage must be agreed on the same day, or the former Judgment shall be good.

Cattle taken in the Corn or Pasture of other Bounds of any person may be Impounded in his own Yard or Close till he may give notice to the Owner, who may replevye them if he please, or the other may return them and bring his Action for damages.

In case of involuntary Trespass, the Trespasser paying or tendring full damage before suit commenc'd, the Plaintiff shall recover no loss.

Trespases and Damages by Cattle, thro the default of the person damnified shall not be recovered.

In all cases of Damage done by Goats, the Owner shall pay double Damage, and the person damnified may keep and Milk the said Goats till satisfaction be obtain'd.

Any person who shall take another Mans Horse, Mare, Als or drawing Beast, either out of Inclosures or Commons, or elsewhere, without leave of the Owner and

and shall Ride or Work the same, he shall pay treble Damages, or if the Plaintiff demand it, shall pay ten Shillings.

Such as cannot pay the Damages shall be carried before a Magistrate or the County Court, who shall punish the Offender by whipping, Imprisonment or otherwise, as the merit of the Cause requires.

Drift Cattle may be rested or fed in any open Land not being sowed with Corn, or appropriated to any particular use.

Civil Causes, Petty.

Any Magistrate in the Town where he dwells, may hear and determine by his Conscience (and without a Jury) but according to the Laws of this Country, all Civil Causes arising in the County, wherein the Debt, Trespass or Damage does not exceed 40 s.

Any Magistrate in Civil Causes within his cognizance may Issue out Summons and Attachments directed to the Mareschal or Constable both for Parties and Witnesses.

The Court of Assistants or County Court may at the request of any Town where no Magistrate dwells, the said request, signified under the Hand of the Constable, appoint three of the principal free Inhabitants as Commissioners to hear and determine Petty Suits and Causes in the same manner as the Magistrates may do.

The said Commissioners may not commit to Prison in any case, and if the Parties live in several Towns, it shall be at the choice of the Plaintiff which Town he will proceed in.

Such Commissioners and all Associates in County Courts shall be Sworn to the faithful discharge of the trust reposed in them.

In all small Causes where there is but one Magistrate in a Town, and the cause may concern himself, or in case of Commissioners if the Cause may concern one or more of the Commissioners, the Cause shall then be heard and determin'd by the select Men of the Town who shall have the like power as the Magistrates or Commissioners.

No Action proper to the cognizance of a Magistrate or to Commissioners as shall lye before any County Court

but by Appeal after hearing, except in cases of assault or defamation.

The Free-men of the Town of *Boston* may chuse annually seven of their own body, to be presented to the Court of Assistants, who shall appoint them to be Commissioners for the said Town only, and who shall be duly Sworn before the said Court, for the Governour, Deputy Governour or two Magistrates.

The said Commissioners, or any three of them, with one Magistrate, or any five of them without a Magistrate, may hear or determine all Civil Causes, arising within the Isthmus on which the Town is situate, as also on *Nottles Island*, or in which either party shall be Inhabitants of the said places, provided the Debt, Trespass or Damage do not exceed 10 l.

The Commissioners of *Boston* shall keep a book of Records of all Causes, Pleadings, Sentences and Judgments, as the Law requires in other Causes.

The Commissioners of *Boston* may appoint their own Clerks, and may receive and demand of every Plaintiff in all actions not exceeding 40 s. 3 s. 4 d. and for all other actions, 10 s. and in all other cases accustomed Fees, and shall publish their Court Days.

The Commissioners of *Boston* may take cognizance of Riots, Routs and Criminal Misdemeanours, provided the fines imposed by them do not exceed the sum of 40 s. for one Offence.

The Commissioners of *Boston* shall have their Commissioners from time to time, under the Hand of the Secretary of the General Court.

All Marshals, Constables and other Inhabitants, are to be requir'd to be aiding and assisting the Commissioners as occasion may require.

Any person either in Civil or Criminal Cases may appeal from the Sentence of the Commissioners to the Court of Assistants.

No person shall be admitted a Commissioner either in *Boston* or any other Town, but such whose Conversation is Inoffensive, and whose Fidelity to the Country is sufficiently known.

Cask.

All Cask us'd for any Liquor, Fish, Beef, Pork or other Commodities for Sale, shall be of *London* Assize, and of so und and well season'd Timber.

Fit persons to be appointed from time to time, in all needful places, to Gage the Cask, and mark them with their mark, and the Gagers shall receive 4 *d.* per Tun.

Every Cooper shall have a distinct Brand for his own Cask, on the penalty of 20 *s.*

New Cask expos'd to sale, either defective in Workmanship, Size or Timber, upon complaint to the next Magistrate of the Town, the Cask shall be forfeit to the Informer, and the Owner shall be fined to the County 10 *s.* per Tun.

The Towns where any Cask are made, shall annually chuse a Gager or Packer, who shall take an Oath for the discharge of his Office, before one of the Magistrates, and on refusal to serve, shall pay a fine of 40 *s.* and another shall be chosen in his room.

The Town or Constable, refusing or neglecting to chuse or present a Gager or Packer of Cask, to forfeit for every Offence, 40 *s.*

Every Gager or Packer shall see that no Goods be Packt in any Cask but what is of true and full Assize, on penalty of 10 *s.* for every Cask that is by him packt and prove defective or of untrue size, one half to the Informer and the other to the Country:

All Fish, Beef or Pork shall be view'd and be markt by the Gager, and if found defective, the Gager shall recover 4 *s.* per Tun of the Owner, and if sound he shall receive 1 *s.* per Tun.

All Goods expos'd to Sale without the Gagers mark, the Goods to be forfeit, half to the Informer and half to the Country.

Staves of Cask to be assiz'd Hoghead Staves at 3 foot 2 inches length or upwards not exceeding three foot four inches, Barrel Staves at one and thirty inches; well and even Hewed and Dressed, and all Headings for Pipes Staves to be in length twenty eight inches, and for Hogheads and Barrels suitable to the Staves.

Conspiracy.

If any Man conspire and attempt any Invasion, Insurrection or Publick Rebellion against the Commonwealth, or shall endeavour to seize or surprize any Town or Towns, Fort or Forts therein, or attempt the alteration or subversion of the Government, he shall suffer Death.

D.**Debts Demandable.**

Book Debts not Ballanced acknowledged or secured by some Speciality, or Signed in the Creditors Book within the space of six years, from the time such Debts were contracted, shall not be pleadable in any Court, unless the said Debt be prov'd or prosecuted in some Court, and the Evidence thereof recorded within the said six years.

The Evidence of such Debts must be such as the Court shall approve, and the Debtor may have one year to disprove such Evidence, and Cancel the Record.

Deputies.

The Deputies for the General Court shall be chosen by the Freemen of every Town by Papers or Ballot.

The Deputies of every Town may meet and confer together, and prepare such Publick Business as by them shall be thought fit to be considered of at the General Court.

No Town shall send more than two Deputies, and no Town that hath not Twenty Freemen shall send above one Deputy, and such Plantations as have not ten Freemen shall send no Deputies but the said Freemen shall have Votes in the next Town.

All

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All Towns that have not more than thirty Free-men, may act at Liberty to chuse Deputies or not, as they please.

The Free-men may chuse any person or persons for their Deputies, tho they do not live in the Town or County, provided they are Free-men and dwell within the Jurisdiction.

All Disputes about Elections of Deputies, shall be decided by the Deputies themselves in the General Court.

Deputies chosen shall not be continued from Court to Court or at most above a year.

No Man shall be accepted as a Deputy in the General Court tho he be a Free-man who is unbound in Judgment, concerning the main points of Christian Religion, Scandalous in his Conversation, or unfaithful to this Government.

Every Free-man that makes choice, or gives his Vote for such a person, knowing him to be so, shall forfeit 5 *l.* the case to be determined at the General Court.

The Constable of every Town shall make the return of every Election of Deputies, with the name of the person and the time for which they are chosen on forfeiture of 20 *s.* for every neglect.

Every Deputy chosen and accepting the choice that shall absent himself from the General Court, without just cause to be adjudged by the House, shall pay 20 *s.* a day for every such neglect.

No Attorney in any inferiour Court can sit as a Deputy in the General Court.

Distress.

Corn or Hay in the Field, or upon the Cart, or Garden Stuff, or any thing subject to present decay, shall not be lyable to Distress, unless he that takes it, doth presently bestow it where it may not be imbez'd or damaged, or gives security to make it good.

Dowry.

Married Women living with their Husbands, or Legally absent from them, and not otherwise endow'd by Joynture before Marriage, have right and interest by way of Dower, immediately after the Husbands Death, in and to one third part of all her Husbands Estate, to all as well Personal in Possession or Reversion or any remainder of Inheritance for term of her Life, free and discharg'd from Debts, Rents, Charges, Judgments, Execution or other Incumbrances suffered by her Husband during their Marriage.

The voluntary consent of the Wife in Writing under her Hand, executed or acknowledg'd before a Magistrate, or others Authoriz'd by Authority, to receive the same shall bar her from her right of Dower. And,

The Heir at Law of the Deceas'd, or other person entrusted or concerned, shall within one month after lawful demand made, assign, and set out to the Widow her just thirds of her Husbands Estate.

The Widow may bring a Writ of Dowry in the County Court, where the Estate of her Husband lyes, or in the Court of Assistants if it lye in several Counties, in case the Heirs or Ipersons concerned do not Assign, and set out the said thirds, by Meets and Bounds with allowance for cost and damages sustain'd.

This Law of Dower do's not extend to any Lands or Estate, sold or convey'd *Bona fide* by any Husband before the last of Nov. 1647.

Widows shall be subject to impeachment of waste, and shall leave the Estate assigned them in sufficient repair.

E.**Elections.**

Election of Assistants yearly shall be by the Free-men putting Beans and *Indian Corn* into whatever is prepared

par'd to receive them, the Candidate being nam'd, every Free-man puts in one Bean or one Grain of *Indian Corn*, the *Indian Corn* for the person, and the Bean against him.

Any Free-man putting more than one at a time, or any person putting in either Corn or Bean, who is not a Free-man shall forfeit 10 l. for every Offence.

Any Free-man may Seal up his Vote in the presence of the Deputy and Constable of the Town, who shall send them to the Court of their Elections at *Boston*.

The Governour, Deputy Governour, Major General, Treasurer, Secretary and Commissioners of the united Colonies are Elected, Elected by the Free-men by Papers, having the names of the person Voted for Written in it, and the Paper sent open, or but once folded.

Magistrates for Towns to be chosen in like manner by the Free-men of every Town, summon'd by the Constable some day in the second week in *March* every year.

No Free-man to put in above one Vote for one person in any Election under the penalty of 10 l. for every Offence.

The Votes for Assistants being given in the respective Towns shall be sent by one Man, appointed by the Free-men out of every Town, to the Shire Town, upon the last *Wednesday* in the following week, which persons so sent shall appoint one of themselves, as Commissioner for each Shire, to carry them to *Boston* the second *Tuesday* in *April*, there to be opened in the presence of some Magistrate at the Court-house in *Boston*, or such other place as the Commissioner of *Suffolk* shall direct.

The Votes being open'd at *Boston*, those 18 only that have most Voices shall be nominated at the Court of Elections for Magistrates and Assistants.

The Commissioner of each Shire shall return the manner of the persons chosen for the respective Counties, to the Constables and they to the Free-men.

Such of the persons return'd, who have been Magistrates before shall be first nominated for the Election, and after them in Order according to the number of Voices they had.

All persons employ'd and failing in Execution of Elections, according to the method prescrib'd, by the Law, to forfeit 10 l.

¶Tis

'Tis the standing allow'd Law and right of all the Free-men of this Jurisdiction, to chuse every year out of their own body all the General Officers of the Government.

By General Officers are understood, Governour, Deputy Governour, Assistant, Treasurer, Major General, Admiral at Sea, Commissioners for the united Colonies and Secretary of the General Court, or any other of the like general nature hereafter to be appointed.

All Quakers or other persons who refuse to attend upon the publick Worship of God here establish'd are incapable of voting in any Election, or other Civil Assembly.

Elcheates.

Where no Heir or Owner of Houses, Lands, Tenements, Goods or Chattels can be found, they shall be seiz'd to the publick Treasury, till such Owner or Heir, Owners or Heirs shall make due claim, and shall then be restor'd upon reasonable terms.

F.

Farms.

Farms lying within the Bounds of any Town shall be esteem'd as part of the Town in whose Bounds they lye, *Meadford* excepted.

False Witnessing.

If any Man bear False Witness, wittingly and willingly, with design to take away anothers Life, shall suffer Death.

Forger.

Forgery.

To Forge any Deed or Conveyance, Will, Bond, Bill, Release, Acquittance, Letter of Attorney or any Writing, to prevent Justice or Equity, shall be punish'd with the Pillory, and the Party to pay double damages, and be Disabl'd to give Evidence or Verdict.

Fornication.

Fornication to be punish'd either by compelling Marriage, by Fines, Corporal Punishment, *Deffranchement*, or all of these as the Court shall appoint.

Free-men.

No Man to be admitted a Free-man, but such as are Members of some of the Churches within the Jurisdiction.

No Man who is a Member of a Church, shall be exempted from Offices, tho they have not taken up their freedom, penalty 20 s. for every Offence.

All *English*-men Orthodox in Religion, not Scandalous in Life, who are Free-holders of the Country and rateable in one single rate at 10 s. and being of 24 years of Age, shall be admitted to the Freedom of the Commonwealth. A. 1664.

The County Court may administer the Oath of a Free-man to any person admitted by the General Court, who shall desire the same. A. 1664.

Fines.

Offenders Fined for the Breach of any Penal Law, shall lye in Prison or be kept to Work, till he pay the said Fine or give security for it.

The Judge may respite Payment without Imprisonment if he sees cause.

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The Secretary or Clerk of every Court shall transmitt a Copy of all Fines or other Dues, Levy'd or Assessed in their respective Courts to the Treasurer of the County or of the County within fourteen days, who shall forthwith grant a Warrant to the Marschal to collect the same.

The County Court or Court of Assistants may remit Fines, and discharge the persons out of custody, where they find the person unable to make satisfaction.

All Fines or Mulcts in cases of Elections, not gathered or paid to the severall Treasurers of the Counties, or to be laid for the future, shall be by the County Treasurers delivered to the select Men of the respective Towns, to the use of the poor.

Fairs or Markets.

Market days at *Boston*, every *Thursday*, at *Salem*, on *Wednesday*, at *Lyn* on *Tuesdays*, and at *Charles Town* on *Fridays*.

Two Fairs granted to *Boston*, on the first *Tuesday* in *May*, and on the first *Tuesday* in *October* every year, to hold 3 days each.

Two Fairs at *Salem*, on the last *Wednesday* in *May*, and on the last *Wednesday* in *September* every year.

Two Fairs at *Water Town* in *Middlesex* on the first *Friday* in *June*, and on the first day in *September* every year.

Two Fairs at *Dorchester* in the County of *Suffolk* on the fourth *Tuesday* in *March* and the last *Wednesday* in *October* every year.

Ferries.

Ferry-men granted by Authority, shall have the sole Liberty of Transporting Passengers from the place where they kept their Ferry.

Any Ferry-boat may land Passengers at any other Ferry place, but shall not take up Passengers at any Ferry place but their own, if the other Boats be ready.

This

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This Law not to extend to prevent any people passing or re-passing in their own or Neighbours Canoes or Boats to their ordinary Business.

No Ferry-man may Transport any Passengers in a Canoa, excepting in case of necessity and with the Passengers consent, on pain of forfeiting the Canoa or the value of it to the Treasury.

At *Weymouth* Ferry every single Passenger shall pay two pence for his or their passage over the Water.

Ferry-men may take double pay after day-light.

Passengers not paying ready Money for their Passages shall give the Ferry-men a Pledge or give him their Names in Writing, and the Magistrates shall oblige them to give satisfaction.

Magistrates and Deputies of the General Court for the time being with one Servant and one Horse shall be Passage free, at all Ferries, except such as pay Rent to the Country.

No Man may press himself into a Ferry-boat against the consent of the Ferry-man, or of the most of the Passengers already in the Boat, on penalty of 10 s. for every Offence.

A Ferry-man who shall suffer any person to come into his Boat against the consent of any Magistrate, Deputy or Elder already in his Boat, or against the consent of the majority of other passengers in the said Boat, shall forfeit for every person so admitted twenty shillings.

Ferry-men may keep out, or thrust out by force, any person who presses himself into his Boat against the Law.

All passengers shall be received into Ferry-Boats in order as they come, except Magistrates, Deputies, publick Officers, and such as go on publick business; except also Physicians, Chyrurgeons, Midwives, or persons called to Women in Travail, such shall be transported with the first.

Firing.

Fires kindled in the Woods, so as to endanger Corn-fields, before the tenth of *March* or the 30th of *April*, or on the last day of the week, or on the Lords day, the person who kindled the Fire shall Pay all the damage,

image, and be fin'd half as much to the Country.

If the person be not able to pay, the next Magistrate of the County Court may order him Correction, not exceeding twenty stripes for one offence.

Any man may at any time kindle a Fire in his own Ground, so as no damage come to the Country, or to any particular person.

Whoever shall burn or destroy any Frame Timber hewed or sown or split, heap of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax, shall pay double damage.

Wilful setting Fire to any one House, Barn, Stable, Mill, Stack of Wood, Hay or Corn, or any thing of like nature, on due Conviction or Confession, the Offender to pay double damage, and be severely whipp'd, being sixteen years of age.

Any person who is sixteen years of age, and shall wilfully set on fire, or cause to set on fire any Dwelling-house, Meeting-house, Ware-house or Store-house, or any Barn, Stable, Mill, Leantoo, Stack, or other thing of like nature, whereby any Dwelling-house, Meeting-house, Ware-house or Store-house comes to be Burnt, shall be put to Death, and forfeit so much as will make satisfaction for the damage.

Any person vehemently suspected of any such Crime may be Apprehended and carry'd before one or more of the Magistrates, who may commit them to Prison without Bail till the next County Court.

Fish.

Fisher-men may make use of any of the Harbour and of the Land adjoyning, for the Drying and Curing of their Fish or other needful occasion, and may also take such Timber and Fire-wood, as they shall have occasion for in their business of Fishing, where it may be spared without damage, paying for the same to the Town or person who are the Proprietors.

Buyers and Sellers of Fish shall choose one on either side for viewing of their Fish, which person so chosen shall be sworn before such person as the General Court shall appoint in all Fishing Towns.

Buyers

Ordinances of New-England. 41

Buyers and Sellers of Fish shall be concluded by the judgment of the person chosen by themselves, and duly sworn, and what he or they approve of as Merchantable the Buyers shall accept, and what he throws by as Refuse Fish the Seller shall take back, and the Viewer may demand 1 penny *per* Quintal of all the Merchantable Fish, to be paid half by the Buyer and half by the Seller.

All Sun burnt, Salt burnt and dry Fish, that shall be first pickl'd, shall be judged Refuse Fish and unmerchantable.

No man may kill any Cod Fish, Hake, Haddock or Polluck, to be dryed for sale in the month of *December* and *January*, nor Mackarel to Barrel up in the month of *May* or *June*, on penalty of 5 s. for every Quintal of Fish, and 5 s. for every Barrel of Mackarel.

Fishermen may not throw the Garbage of the Fish they take into the Sea, at or near the Banks, Ledger or Grounds where they take the Fish.

The Men or Crew belonging to any Fishing-Boat or Vessel, refusing to obey the orders of their Master, Skipper or Steers-man, as to the times and seasons of Fishing, or that shall take or drink more strong Liquor than he will permit them, under the penalty of twenty shillings for the first offence, forty shillings for the second, and three months Imprisonment for the third; the Fines one third to the Informer. Mackarel shall not be kill'd except for present use before the first day of *July* every year, on penalty of losing the Fish, one half to the Informer, the other to the Country.

All Fish salted with Suctood as Salt, and spotted thereby, shall be accounted unmerchantable.

Fences.

Corn Fields enclos'd in Common, every party interest'd therein, shall from time to time make good his part of the fence, and shall not put in any Cattel so long as any Corn shall remain on any part of it.

If the severall owners of Ground inclosed in Common cannot agree about the Fencing or Improvement of such Grounds, the Select men of the Town shall order the same, and if there are no Select men then the major part of the Freemen.

K

Any

Any Owner or Occupier of Land inclosed in Common may inclose his own part from the rest, and so refuse to stand to the arbitrement of the Select men or Freemen.

The Select men of every Town may make Laws for the fencing of Lands within their bounds in all petty Farms under one hundred Acres, and to impose fines on Defaulters, not exceeding twenty shillings for one offence.

Select men neglecting to make such orders for the preserving the Fences of the Land shall pay for every such neglect five pounds to the use of the Town, and so from time to time every month.

The Select men may appoint from year to year two or more persons Inhabitants of the Town to view the Common Fences of all Corn-fields, and to give notice to the Owners to repair the defects of them, and if the repairs are not made in six days after such notice, the said Surveyor shall cause them to be repair'd, and the owners shall pay them double Wages.

The Select men shall grant Warrant to the Constable to levy the said payment either upon the Corn or other Estate of the Offender, but the defect of the person must be proved by two or three sufficient Witnesses.

If an Owner of Lands lying open will improve his own Land by Fencing, he shall not compel his Neighbour whose Land bounds upon his to pay any Charge of his Fence, but if his Neighbour shall afterwards inclose, he shall then pay his half share for so much of the former Fence as bounds upon his Land.

If the first Encloser will lay open his Land after such Enclosure, he shall not lay open his Neighbour's, but his Neighbour shall be at liberty to purchase the other half of the Party Fence at the present valuation, to be set by two men, to be chosen by either party one.

The like order to be where Land shall be improv'd against a Town Common. This Law of Party Fence, except all House Lots not exceeding ten Acres, and if such a one will Improve, his Neighbour shall make and maintain one half of the Fence, whether he will Improve or not.

No man shall be bound to satisfy for Damage done by his Cattel in Ground not sufficiently fenced, except the

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the Damage be by Swine or Calves of a year old, or Goats, or unruly Cattle.

Voluntary Trespass, the party damnified may Impound the Cattel, for otherwise dispose of them, or bring his Action.

Fees.

Every person impleading another in any County Court or Court of Assistants, shall pay ten shillings before the Cause be entred.

Every Action above the value of forty shillings, tryable before the Commissioners of *Boston*, ten shillings.

Actions under forty shillings tryable before the Commissioners of *Boston*, any one Magistrate or the three Commissioners for small Causes, shall pay three shillings four pence.

The Court finding cause may admit Suits in *forma Pauperis*, free from Fees:

Causes where the Debt or Damages recovered amount to ten pound shall pay fifteen shillings, and for twenty pounds twenty shillings.

All Fees, together with the charge of Entry, shall be allow'd in the Judgment levyed with the Execution by the Marshal, and by the Marshal accounted to the respective Treasurer to whom it belongs.

G.

Gaming.

No person may play at Shuffle-board or Bowls in or about any House of Publick Entertainment, or in any House built for, or used on purpose for such Games, the Master of the House to forfeit twenty shillings, every person playing 5 s.

No other sort of Game or Sport to be used or plaid at or abetted for Money or Money worth, on penalty of forfeiting treble the value plaid for, one half to the

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Treasury, and the other half to the Informer.

No Dancing in Ordinaries or any Publick Houses, on the like penalties of 5 s. for every person.

Any Magistrate may hear and determine Offences against this Act.

No Feasts or Festivals, such as *Christmas*, *Easter* or *Whitsontide*, to be observed either by merry-making, forbearing Labour, or the like, under the penalty of 5 s. for every offence.

No person may play at Cards or Dice upon like penalty.

No person may bring any Cards or Dice into the Country or keep any in their custody on penalty of five pounds, one half to the Treasure, the other half to the Informer.

If Cards or Dice come into any mans custody accidentally, or without his knowledge or consent, he shall carry them to the next Magistrate or Commissioner to be disposed of as he shall direct, and then shall not be liable to the penalty aforesaid.

Any person guilty of Gaming may inform of himself, and shall be thereby free from the penalty, but shall have no farther benefit of the Law by his Information against others, save that he shall be allow'd as a Witness against any other that is guilty.

The Judges may change the Fine impos'd by this Law into Corporal punishment if they see cause. *A. 1620.*

Galloping Horses.

No person may gallop any Horse within any of the Streets of the Town of *Boston*, on penalty of 3 s. and four pence for every offence, to be paid to the Treasurer of *Suffolk*.

Heresie.

Altho no Humane Power is Lord over the Faith and Consciences of men, yet to avoid damnable Heresies, tending to the subverting the Christian Faith spreading among the Inhabitants of this Jurisdiction, 'tis enacted, that if any person within this Jurisdiction shall
breach

Ordinances of New-England.

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broach and maintain any Damnable Heresies, as denying the Immortality of the Soul, or the Resurrection of the Body, or any sin to be repented of in the regenerate, or any evil to be done by the outward man to be accounted sin, or shall deny that Christ gave himself a rancome for our sins, or shall affirm that we are not justified by his Death and Righteousness, but by our own Merit; or shall deny the morality of the fourth Commandment, or shall openly condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation at the administration of the Ordinance of Baptism, or shall deny the Ordinance of Magistracy, or their lawful authority to make War and Peace, and to punish the outward Breaches of the first Table, or shall endeavour to seduce others to any of these opinions, every such person lawfully convicted shall be Banished this Jurisdiction. A. 1646.

Any person professing the Christian Religion, and above the age of sixteen years, that shall wittingly and willingly deny in word or writings any of the Books of the Old or New Testament to be the Written or Infallible Word of God, whether the offence be committed on shore within this Jurisdiction, or at Sea by any Inhabitant of this Jurisdiction, the Offender to be apprehended by the next Constable or Marshal, or their Deputy, by Warrant from any one Magistrate, and shall be committed to Prison at *Boston* without Bail or Mainprize, till the next County Court, and upon Legal Conviction shall be fin'd at the discretion of the Court, not exceeding fifty pounds.

The Judges may change the Fine into Corporal Punishment, not exceeding forty stripes.

If the Offender shall publickly recant his Error before Sentence passed, he shall not be fined above ten pounds.

If an Offender after the said Conviction or Recantation shall commit the same offence a second time, he shall be Banished or put to Death as the Court shall direct.

Blasphemous Books of *John Veers* or *Lodowick Muggleton* to be delivered to the next Magistrate, on penalty of ten pounds for every Book found, half to the Country and half to the Informer.

All the Books found in any persons custody to be burnt by the Hangman the next Lecture day.

No Master of any Vessel may bring any Quaker or other Blasphemous Heretick into this Country on penalty of one hundred pounds to be paid to the Treasurer, and give security to carry the persons back again, and to lie in Prison till the Fine be paid and Security given.

Persons concealing such Quaker or Blasphemous Heretick, knowing them to be such, on Conviction shall pay 40 s. an hour for such Concealment, and shall lie in Prison till the Fine be paid.

All Encouragers, Teachers or Defenders of the Opinions of the Quakers, and who meet for that purpose on the Lords day, to forfeit to the use of the Country for every one so meeting ten shillings, and every one speaking in such meeting five pounds.

Quakers Books to be seized, the Imposter to pay five pound for every Book, and the like penalty for Concealing or Dispersing or keeping them in possession.

To revile the Office or Person of the Magistrates or Ministers, the Offender shall be severely whipt or pay the penalty of five pounds.

Defaming the Courts of Justice or the proceedings of the same, or any of the Magistrates or Judges, for any Acts or Sentence done in Court, shall be punished with Whipping, Fine, Imprisonment, Disfranchisement, or Banishment, as the quality of the Offence shall deserve.

Whoever shall publish and maintain any Hetrodox Opinions in Religion, or Erroneous Doctrine, shall be censur'd by the County Court as the merit of the Cause requires:

Quakers not Inhabitants may be apprehended by any Constable, Commissioner, or Select man, and convey'd from Constable to Constable till they are brought before a Magistrate, who shall commit them to Prison without Bail till the next Court of Assistants, where they shall be tryed by a special Jury, and being convicted shall be Banished, not to return on pain of Death.

If the person convicted be an Inhabitant he shall be imprisoned for one month, and shall either voluntarily depart the Jurisdiction or give security for the good behaviour and appearance at the next General Court, when

when unless he retract and recant he shall be banish'd upon pain of Death.

If the Offender having voluntarily departed shall return again without Licence of the Council, he shall be apprehended and again Banished, not to return upon pain of Death.

Wandering Vagabond Quakers, having no dwelling nor apparent business but to seduce others to their opinion, shall be whipt at the Carts Tail thro the Town where they are apprehended, and then be convey'd from Constable to Constable till they are carried thro the last Town in the Jurisdiction.

To be serv'd in like manner as often as they return, but if they return after the third time they shall be committed to the House of Correction till the next County Court, where they shall be branded on the Left Shoulder with the Letter R, be severely whipt and past out of the Jurisdiction as before.

If after this they return again they shall be proceeded against as Incorrigible Rogues, be committed to the County Jail till the Court of Assistants, and on conviction be Banished on pain of Death.

Quakers seduced among our selves shall be convicted by the Court of Assistants and Banished the Jurisdiction, and in case they return shall be proceeded against as Vagabond Quakers.

The Constables shall disburse the Charges in apprehending, whipping and passing of Quakers, to be repaid by the Treasurer out of the next County rates, and Constables may impress Carts, Horses, Oxen or Men for the execution of this Law.

The Whipping Vagabond Quakers may not be thro more than three Towns, and the Magistrate or Commissioners signing the Warrant shall assign the Towns and the number of Stripes.

H.

Hides.

Raw Hides, Skins, Pelts, or Leather unwrought, may not be exported on penalty of the loss of Goods, or value thereof; the like penalty to the Master of any Ship or Vessel that shall take them on board.

Raw Hides or Skins imported from other parts are freely to be exported again, as also are the Skins of Wild Beasts, as Beavers, Moose, Bear and Otter.
A. 1646.

Highways.

All the Highways are to be made and kept safe and easie for Travellers.

The County Court shall appoint two or three men out of each of the next Towns where any Road is to be laid out, to lay out the Road as they find convenient, who are to make return to the next Court of what they have done therein.

No mans House shall be pull'd down, or his Garden or Orchard laid open for the making any Highway, and in Common Grounds, and where the Soil is wet, swampy or rocky, the Roads shall be at least from six to ten Rods wide, and more as occasion requires.

If any man be damaged in his Improved Land, the Town whose Road it is shall make him satisfaction, to be adjusted by the persons who laid out the Road, and if they cannot agree it shall be determined by the County Court.

Any person aggrieved by the persons deputed to survey and lay out Highways may appeal to the County Court, who shall redress the same; but if the Complaint be found groundless, he shall pay all the Charges of the Parties and Court during the Appeal, and be fined to the Country as the Court shall adjudge.

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The Select men of any Town have power by themselves or others appointed by them, to lay out private Roads or Ways to or from their own Town, or to or from any place within the bounds of the Town, so as no damage be done to any man without due recompence, the recompence to be adjudget by indifferent men chosen on either side, with an appeal to the County Court.

The County Court may pull up any Gates or Rails, placed by any private persons upon the Highways, with due respect to the Proprietors Costs or Damage.

No person shall stand singly charged with the repair of the Highways tho they pass thro his own Ground.

Horses.

No Master of any Vessel may take any Horse, Gelding or Mare on board his Vessel before the same is entered into a Book, with the Colour, particular Mark and Age of the said Horse, as near as may be known, together with the name of the person of whom such Horse was last bought, and proof by Witness or Oath that he was the true owner of it, which Book shall be kept by the Clerk of the Writs in every Town, and the said Clerk shall view the said Horse, and shall receive six pence for every Horse, Gelding or Mare; every Master of a Vessel who shall neglect shall pay four pound, half to the Treasury and half to the Informer.

No Horse, Mare or Colt may be sold or disposed to any *Indian*, upon the penalty of one hundred pounds.

No Stone Horse above two years old shall be suffered to run in Commons and Woods at large, unless he be well shap'd and at least fourteen hands high, accounting four inches to a hand, and also shall be view'd and allow'd by the Select men of the Town where the Owner lives, on penalty of twenty shillings per month for every Horse; the Select men of the Town may grant a Warrant to levy the Fine, on penalty of this Law, and employ it to the use of the Town.

The Select men neglecting to take the said Fines, and to view such Horses as are brought in, shall forfeit twenty shillings for every offence, to be paid to the County Treasury.

I. Judge.

I.

Judgments.

No Judgment or Execution may be sold, alienated or assign'd, if it be it shall be void in Law, and if the party dye after Judgment obtain'd, before Execution is taken out or satisfaction made, the Executor or Administrator shall renew it as the party deceased might have done.

Judgment confest before any two Magistrates and the Secretary or Clerk of any Court shall be good and valid, and the Clerk may receive one shilling and no more as his fee.

If the Secretary or Clerk be a Magistrate it shall be decreed a legal Judgment, if it be before himself and one Magistrate more.

If any person when his Goods are taken in Execution, shall own Goods to be his own which in reality were not his own, he shall make good the Default in the Execution and pay double Damages.

If an Execution be serv'd on Lands, Houses or Goods commonly accounted to belong to the person against whom the Execution is granted, and the Execution return'd according to Law, if it afterwards appear the Houses, Lands or Goods belong to some other body, they shall be restor'd to the Owner, but the Court shall grant a new Execution for the Debt as if the other had not been returned.

Juries.

No Jurors shall be warn'd from *Salem* to *Ipswich*, nor from *Ipswich* to *Salem*.

The Secretary or Clerk of every Court of Justice shall in convenient time before the sitting of the Court send Warrants to the Constables of the several Towns of the Jurisdiction of that Court, to summon a certain num-
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ber of Jury-men proportioned to the Inhabitants of every Town.

The Constable shall give timely notice to the Freemen to choose the Jury-men as the Warrant shall require, which men so chosen he shall warn to attend the Court, and shall then make return of the Warrant.

The like Order for Juries summoned for Special Court.

Upon Special Courts every Jury-man shall be allow'd four shillings *per diem* for his Charges, to be paid by him upon whose motion such Special Court was granted.

All Juries serving at the Courts of Assistants at *Boston* shall be chosen in the Counties of *Suffolk* and *Middlesex*.

Jurors thus chosen shall be empannell'd and sworn truly to try between party and party, and shall find matter of Fact according to Evidence, and the Judges shall declare the Sentence, and direct the Juries to find according to Law, and if there be matter of Equity it shall be in the Breast of the Judges to determine it.

No Tryal shall pass upon any man or woman for Life or Banishment in any Inferiour Court but by a special Jury summoned for that purpose.

Grand Juries shall be summon'd every year in the severall Courts in this Jurisdiction, to present Misdemeanours, and to do what other service the Court requires.

No Juror shall be bound to Discover, Present or Inform of any private Crime or Offence, when he is under any Necessary Tye of Conscience to the contrary, except where the Country, or any Member or Branch of it is in danger, or where Legal Testimony is required.

Every Grand Jury-man is allow'd three shillings *per diem* for his Charges of attendance, and to be paid out of the Fees and Perquisites of the Court in which he serves, or by the County, if they are not sufficient.

In all Cases where the Law is obscure and doubtful, so as the Jury are not satisfied in the Case, any Jury are at liberty to give in their Verdict Special, (*viz.*) If the Law be so, in such a point we find for the Plaintiff; but if the Law be otherwise, we find for the Defendant: and

and in such case the Court shall determine the matter of Law.

All Jurors have liberty in matter of Fact, if they cannot find the main Issue, to find and present in their Verdict as much as they can.

If the Court and the Jury shall so differ about any Verdict, as they cannot in Conscience proceed, the case shall be issued at the next Court of Assistants.

And in such Case the Attachment, with the former Security for Appearance at the County Court shall be continued to the Court of Assistants, and if the Plaintiff shall see Cause to go on with his Suit, he shall summons the Defendant as the Law requires, and shall take out the Records of his Cause from the County Court, with the Evidence on both sides, and carry them to the Court of Assistants, where, after presenting the Case, both parties may make any new Pleas, or bring new Evidences, if the Plaintiff shall not pursue the Cause before the Court of Assistants, the Defendant shall have Judgment for his Costs at the next County Court.

Any Juror or any Jury, not satisfied in his or their Conscience in the Case before them, may openly in Court, but not otherwise, Consult with or ask advice of any man they think fit, before they give in their Verdict.

No Juror shall be Compell'd to Serve above one Ordinary Court in a year, except Grand Jurors, who shall serve two Courts together at least, and except such as are summoned in Cases of Life and Death or Banishment.

Plaintiffs or Defendants who have Commenc'd any Action, or given Bail, or proceeded, and do not by themselves or their Attorneys appear after they have been three times called in the Court by name, after the first forenoon of the sitting, then they shall be Nonsuited.

And he that doth appear shall have Costs granted by the Court against him or her that did not appear.

But if after a Nonsuit the parties agree to Try the Cause in the same Court, they shall have liberty so to do, the Plaintiff paying half the Fees for a new Entry which he paid before.

Any person presented by the Grand Jury for any Offence, or summoned by a Magistrate to answer any Crime,

Crime, and shall not appear at the third Call as afore-
said, they shall be proceeded against for Contempt, ex-
cept they were prevented by necessity and provi-
dence.

In all Tryals, in Civil Cases the Verdict of the Ju-
ry finally given shall be accepted by the Court, and
Judgment accordingly entred.

But upon apparent Corruption or Error in the Jury,
giving in their Verdict contrary to Evidence, or con-
trary to Law, the party aggrieved shall in open Court
attaint the Jury, and give securities to prosecute
them at the next Court of Assistants in an Action
of Attaint, upon which Execution shall be respited,
and the Clerk of the Court shall summon a new Jury
of 24 able men, by whom the said Action of Attaint
shall be first Tryed, and if they find for the Plaintiff
he shall be paid by the other party his full Damage in
the Original Suit; and if Bribery, Conspiracy, or o-
ther Corruption be found in the Jurors attainted, they
shall be punished by Fine or Imprisonment, at the Dis-
cretion of the Court, but if they shall be acquitted, the
Plaintiff shall pay them Double Damages, and the
Judgment of the former Court shall be valid, and Exe-
cution be issued accordingly.

Jaylors.

Keepers of Prisons for the time being, shall have Li-
berty in all Civil Cases to take sufficient Bail after Com-
mitment, as the Marshal may do before.

Idle Persons.

The Constable of every Town shall present all Persons
who spend their time idly or unprofitably, and parti-
cularly common Coasters, unprofitable Fowlers and
Tobacco takers, who shall be punished as the Country
Court shall see Cause.

Jesuits

Jesuits.

No Jesuit, Seminary Priest, or Ecclesiastical person ordained by the authority of the Pope or See of *Rome*, shall be suffered to come into or abide in this Jurisdiction.

Any person suspected to be a Jesuit or Popish Priest may be brought before a Magistrate, and if he cannot clear himself he shall be committed to Prison, or bound over to the next Court of Assistants, who shall proceed against them, by Banishment, or otherwise, as they see cause.

If any person so Banished shall be found again within this Jurisdiction, on due Conviction shall be put to Death.

This Law not to extend to any such Priest or Ecclesiastic as shall come by Shipwreck or other accident, so as they continue no longer than till he or they may have opportunity of passage for their Departure.

Nor shall this Law extend to any such as shall come in company with any Messenger upon publick occasion, or Merchant or Master of a Ship belonging to any place not in enmity with the State of *England* or this Country, so as they depart again with the same Messenger, Master or Merchant, and behave themselves inoffensively during their stay.

Impost.

Masters of Vessels, bringing Wines or Strong Waters into any Port or Harbour in this Jurisdiction, except such as come directly from *England*, shall make a full Entry of all the said Goods they intend to put on shore, both as to quantity and quality, before they are landed, on forfeiture of all the Goods that shall be landed before the Entry is made, half to the Country and half to the Officer.

The Duty and Custom of all such Wines or Strong Waters shall be paid to the proper Officer in kind, that is to say, by delivering part of the said Goods, proportioned in Goodness and Price as the Officer and Owner

can agree, and if they cannot agree, the Treasurer shall determine the value.

The Customer shall employ a Deputy or Deputies as he shall see occasion, who shall serve as Searchers and Waiters to see Goods landed and prevent frauds, who shall be paid as the Officer agrees with them.

The Custom of Wine is according to the following rates.

Every Butt or Pipe of *Fyal* Wine or Wines of Western Islands 5 s.

Every Pipe of *Madera* Wine six and eight pence.

Every Pipe of Sherry, Sack, *Madera* or *Canary* Wine 10 s.

Muskadels, Malinsay, Tents, *Alicant* and other Wines from the *Streights* 10 s. And proportionable for greater and smaller Cask.

Every Hogshead of *French* Wine 2 s. 6 d.

Every Hogshead of strong Water 10 s.

The Officer or his Deputy may go into all Houses or Cellars, where he knoweth or suspecteth any Wines are concealed, and seize such as he finds have not paid Custom, or are entred according to order.

Constables and other Officers are obliged to assist the Custom House Officers to break open doors, where they are denied entrance, any person refusing to assist the Custom Officer for due wages tender'd, shall forfeit 10 s. for each offence.

Debts due to the Country for Custom of Wines and Strong Waters, where Wines and strong Waters cannot be found to pay, are recoverable by Action at Law.

Every Master of Strangers Vessels not freight in *England*, shall pay 6 d. per Tun upon the Tunnage of the Ship, and 10 s. per Ship towards the maintenance of Fortifications.

English Ship or Ships freight in *England* shall not pay the Duty of 6 s. per Tun, but shall pay 10 s. per Vessels above 100 Tun, and 6 s. 8 d. per Tun for all smaller Vessels.

All Syder, Ale and Beer sold in publick Houses, which are licenced to sell such things, shall pay 2 s. 6 d. per Hogshead, and Mum 5 s. per Hogshead, and so for a greater or lesser quantity.

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The Excise on Cyder, Mum, Ale and Beer is to be paid to the Treasurer of every County in Money, by the Vender or Retailer.

Every person so Licenced shall give an account to the Treasurer upon Oath of what quantity of such Liquors he has drawn, and shall pay the Money accordingly, and upon Default shall pay Treble Duty to the Country, or lose his Licence, as the Court which takes Cognizance of it shall adjudge.

All Goods Imported, excepting Fish, Sheep Wool, Cotton Wool, Salt, and such things as by former Laws are excepted, shall be rated equally with Estates in the Country at one penny *per* every twenty Shillings value.

All Goods Imported, shall be valued at 20 *per Cent.* advance upon the first Cost, *viz.* Every 100 *l.* at the Place or Port, from whence it came to be accounted, 120 *l.* and shall pay accordingly.

The Master of every Vessel or his Agent, shall before he Breaks Bulk or Lands any of his Loading, shall make a true Report or Certification of his whole lading to the Officer appointed, upon Penalty of 20 *s.* *per* Tun upon the burthen of the Ship.

The Officer shall truly enter all his Goods with their Marks and Distinctions, with the Names of the Persons, Owners, or to whom they are consigned, so far as can be lawfully discovered.

The Owner or person to whom the Goods are consign'd shall signify to the Collector the True Value of the Goods consign'd to him, and show his Original Invoice to the said Collector, who shall Enter the Gross Summ in a Book for that purpose, and Certifie the same to the Treasurer.

In Case of non-payment of the Duty the Collector or his Deputy shall levy the same by Distress upon the Goods, and shall have two shillings *per* pound for his Labour.

The Collector may require aid to Levy the Duty, as a Constable does in other Cases.

If the Invoice of any parcel of Goods be falsified, or not produced, the Treasurer or Collector, with the Select men of the Town, may rate the Goods, or the Owner or Agent to whom they are Consign'd, by Will Will and Doom at Discretion, provided it be not
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less than four pound *per* Tun, as the Goods stand in the Boatswains Book.

All Cattel brought into this Jurisdiction, to be sold, kill'd or transported, the Seller shall give an account of their number and kind, and shall pay for them before they are sold, kill'd or transported, as is express'd in the Law Tit. Charges of the Publick, on penalty of the forfeiture of any such Beast or its value, half to Publick Treasury and half to the Informer.

All Goods brought into this Jurisdiction by Land, the Owner or Possessor shall before Sale, or before putting on board any Vessel to be exported, pay one penny for every 20 s. of the true value, by a true entry to be made, as for Goods imported by Sea, the Duty to be paid in Money.

The Country Treasurer is empower'd to execute this Law, and to nominate and appoint such Officers under him, as he shall judge needful for the execution thereof, to whom he shall give Warrants under his Hand and Seal to justify their proceedings.

No Goods paid for by this Law shall be rateable again the same year.

The Treasurer or any other Officer under him may apply themselves to the Governor and Council for direction in any doubtful case, which Council or any 5 of them, are empower'd to give such directions as they think fit.

All Masters of Vessels coming into Port with any Goods rateable to the Country, shall keep in their Custody all such Goods, till they receive an Order from the Collector to deliver them, on penalty of paying the rate themselves.

The Seal of the Treasurers Office shall be (TM) thus.

Impress.

In all publick Works, one Magistrate and the Overseer of such Work, has power by their Warrant to cause the Constable to Impress Labourers and Artificers, and to pay them such Wages as they shall judge the work to deserve.

But no man shall be compelled to any publick Work or service that is not authorized by some Act of the General Court.

Court, and if it be so authoriz'd, no Man shall be compelled to work from his own home above a week at one time.

No man shall be Impressed to any Office, Work or War, who is either incapable by any natural or accidental Impediment, as too Young or too Old, defect of Limbs, or not in his right Mind or Senses.

No man may be forced against his Will, to go out of this Jurisdiction upon any offensive War, but on such defensive War as shall be undertaken by Authority of a General Court.

No mans Cattel or Goods may be Impress'd, but by Warrant grounded on some Act of the General Court, nor without such reasonable prizes, as the Ordinary rate of the Country do afford, and if his Cattel or Goods shall perish or suffer damage in such service, the Owner shall be paid for it.

Imprisonment.

No mans person shall be restrained or imprisoned by any Authority whatever, until that Law hath sentenc'd him thereto. If he can put in sufficient Security, Bail or Mainprize for his appearance or good behaviour in the mean time, except it be in capital Crimes, contempt in open Court, and in such cases where such Express Act of Court does allow it.

Indians.

The *Indians* in this Jurisdiction have an undoubted right to such Lands as they have possessed and improved by subduing the same, and may not be dispossessed thereof without their consent.

Indians desiring to live among the *English*, and behaving orderly and civilly, shall have allotments of Land according to the custom of the *English* in like cases, whether single Persons, or enough in number to make a Township.

Indians injuriously dispossessed of their Plantations or Fishing Grounds shall have relief in any of the Courts of Justice, as the *English* have.

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All Lands within this Jurisdiction, not being under the qualification of right to any *Indian*, is, and shall be accounted the just right and property of the *English*.

No man may buy any Land of an *Indian*, or any grant of years in Land without Licence from the General Court, on penalty of Forfeiture of the Lands so purchased.

No man shall sell, give, barter, or repair for, or to any *Indian*, directly or indirectly, any Guns, Powder, Bullets, Shot, Lead, Armour or Weapons, nor to any person Inhabiting out of this Jurisdiction, on penalty of 10 *l.* for every Gun, Piece of Armour, or Weapon, 5 *l.* for every pound of Powder, and 40 *s.* for every pound of Lead or Shot.

No Foreigner or *English* man inhabiting out of this Jurisdiction may Trade within the Limits of this Jurisdiction with any *Indian* for any Goods whatsoever, under penalty of confiscation of all the Goods and the Vessels which bring them; and any person with or without a Constable or Warrant, may seize and secure the said Goods and Vessels, and shall have and receive one half of them to his own use, the other half to the Country.

No person may sell any sort of Peltry to the *Indians*, without special authority from the General Court, under the penalty of 100 *l.* 10 *l.* to the Informer, and the remainder to the Country.

No person may Give, Sell, Barter or Truck, directly or indirectly, to any *Indian* any Rum, Strong Water, Brandy, Wine, Strong Beer, Cyder, Perry, or any other Strong Liquors, under the penalty of forty shillings for every pint, one third to the Informer.

Truck in Houses erected for Trade with the *Indians* not allowed by the General Court shall be Demolished.

Physicians may prescribe in Physick any of the Liquors prohibited for any sick *Indian*, with an allowance under the hand of a Magistrate, or in his absence any two of the Town Commissioners.

This Act shall not restrain any person in Charity relieving any *Indian* (*bona fide*) in case of sudden extremity, sickness, hurt or fainting, not exceeding one Dram at a time.

No man may give, sell, or barter, directly or indirectly,

rectly, to any *Indian* any Boat, Skiff, Canoa, or other Vessel whatsoever, under the penalty of fifty pounds.

Damage done to any *Indian* in their Corn or other Grounds by the Cattel of the *English*, shall on due proof made be recompenced by the Town or person whose Cattel did the Damage.

Such Towns or Persons whose Cattel are likely to annoy the *Indians* Plantations, shall direct, assist and help them in felling Trees, making Rails and framing of Posts, and shall draw their fencing into place for them, and lend or sell them Tools to finish it.

Such *Indians* as have Lands granted to them, or as shall purchase any Lands, shall be obliged to fence them at their own Charges, as the *English* do.

If *Indians* refuse help to fence their Ground, they shall have no satisfaction in case of Damages.

If the Cattel of any *Indian* do damage to the *English*, they shall make satisfaction according to Law and Justice.

All the Laws respecting the Civilized *Indians* are to be made known to them once a year by such person as the General Court shall appoint.

The Civilized *Indians*, who live under this Government, shall have *Indian* Commissioners in their several Plantations, to hear and determine all such Differences among them as one Magistrate may do among the *English*, with Marshals and Constables to execute Warrants and Orders, and the power of a County Court for matters among themselves, provided the *English* Magistrate appoint the Fine and Place, and consent to all Judgments pass'd; and all matters above their Cognizance shall be heard by the Court of Assistants.

No *Indian* in any part of the Jurisdiction, whether Inhabitant or not, shall be allowed to Powaw or Perform his Idolatrous Worship or Exorcisms to their false Gods, on the penalty of five pounds; the Powawer or his Procurer, and every one present, or otherwise abetting, twenty shillings.

Every Town where any *Indians* do come or inhabit, shall take care that the said *Indians* do not prophane the Lord's Day.

Any Strong Liquors seen or found in the possession of any *Indian* may be seized by any person who discovers the same, and the Liquors shall be delivered to the Court.

Constable of the Town, and the person carried before some Magistrate or one Commissioner.

Indians found Drunk shall be committed till they Confess where they had the Liquors, or sent to the House of Correction, to labour till they have as much as shall pay the fine of the Liquors they drank.

If any such drunken *Indian* accuse any *English* man of selling him strong Liquors, the accusation shall be good, unless the party purge himself by Oath to the contrary.

Any *Indian* taken Drunk shall pay ten shillings, or else be whipt by ten stripes, at the Discretion of the Magistrate.

Such persons as are allow'd to Trade Peltry and Skins with the *Indians* by Licence, may also sell to *Indians* not in Hostility with us or with any other *English*, Arms and Ammunition, paying to the County Treasurer every half year the sum of 6 s. for every pound of Powder, six pence for every ten pound of Shot or Lead, 3 s. for every Gun, 3 s. for for every dozen of Sword Blades, and deliver a true account upon Oath of the quantity so delivered to the *Indians*, under the penalty of five pound of Powder, five pound for every ten pound of Shot or Lead, ten pound for every Gun, or every dozen of Sword-blades; and this Order to continue in force during the pleasure of the Court. A. 1668.

Indictments.

No person shall be Indicted for any Crime or Misdemeanour unless the Indictment be brought within a year after the Offence was committed.

This Law shall not extend to any Capital Offence, or any Crime that may concern Life or Member, or Banishment, to Treason, Conspiracy or Felony above ten shillings, nor any Civil Right or Cause of Action at Law.

Innkeepers.

No man may be a Common Victualler, keep a Cooks Shop, or any House of Common Entertainment, Tavern, Ale-house, or Retailer of Wine or Li-

quors in smaller quantities than Quarter Cask; without Licence of the County Court, on penalty of 5 *l.* for every Offence, or Imprisonment during the pleasure of the Court.

Merchants and Importers of Wines, Distillers, or such as Import Strong Waters in Cases, or makers of Cyder or Perry, may sell by retail, so as not to sell less than three Gallons of Wine or Cyder at a time to one person, nor less than one quart of Strong Waters, and not suffering it to be drank in their Houses.

Publick Houses shall hang out some inoffensive Sign, visible for the direction of Strangers, within three months from the date of their Licences, on penalty of losing their Licences.

Every person Licenced to keep an Ordinary shall be always provided of strong wholesome Beer of four Bushel of Malt to the Hoghead at least, and shall sell it at Two pence the Ale Quart, on penalty of forty shillings for the first Offence, and for the second shall lose his Licence.

No Beer Brew'd with Molosses, or any other Ingredient instead of Malt, shall be sold by Retailers, under penalty of five pounds.

No Victualler shall suffer any person to be Drunk in his House, or to Drink Excessively not above half a pint of Wine at a time for one person, or to continue tippling above half an hour, or after Nine a Clock at night, on penalty of five shillings for every Offence.

Victuallers shall not conceal Drunkards, nor suffer them to depart till the Constable be sent for, on penalty of Five pounds.

Every person found Drunk, so as to be disabled in his Understanding, Speech or Gesture, shall forfeit ten shillings for being Drunk, three shillings four pence for Excessive Drinking, Two shillings and six pence for Tippling above half an hour, and Five shillings for sitting at unreasonable time after nine a Clock at night, and shall be Imprisoned till payment be made, or set in the Stocks in some open place not exceeding three hours, as the weather will permit.

If any person in his Drunkenness shall abuse the Constable by words or blows, or shall endeavour to escape from him, it shall be in the power of the Constable to commit him to Prison, or to take Bond for his

appearing, till he shall acknowledge his Error, or pay his Fine and Charges, or till further order from the Magistrate, and upon such acknowledgment or payment the Constable may dismiss him.

All Licenced persons may entertain Land Travellers or Seafaring men in the night, when they come on shore, or from their Journeys, for their necessary refreshment, they committing no Disorders.

Merchants, Coopers, Owners or Keepers of Wine, may not suffer persons to Drink to Excess or Drunkenness in their Wine-Cellars, Shops, Vessels or Warehouses, on penalty of ten shillings.

Private House-keepers may not permit people to sit Tippling in their Houses, of Wine, Strong Waters, or Strong Beer, on penalty of 20 s. for the first Offence; and if the party be not able to pay, he shall be set in the Stocks one hour; and five pounds for the second Offence; and for the third to be bound in Bond of twenty pounds to the Good Behaviour, or be Committed.

Persons formerly fin'd for Drunkenness, offending again shall pay double fines; if a third time he shall pay treble fines; and if unable to pay shall be whipped with ten stripes; and if they offend the fourth time they shall be Imprisoned till they find Sureties for their good behaviour.

Persons keeping Publick Houses, having been twice Convicted, and shall offend against this Law the third time shall be for ever Disabled from keeping any Publick House, or selling Beer, Ale, or other Liquors.

Every Victualler shall be provided to entertain Strangers Horses with Stable room and attendance, under penalty of two shillings six pence for every Default, and Double Damage to the party grieved.

Retailers shall pay fifty shillings *per Butt* to the Country for every Butt of Wine they draw by retale, and 2 d. the Quart for all Strong Waters, and shall not sell any Wine at above six pence *per Quart* more than it cost them by the Butt.

The Duty to be paid and accounted with the Treasurer of the County every six months, to whom a true account shall be given of all the Wine such Retailers shall buy, on penalty of forfeiting the Wine, half to the County, and half to the Treasurer and the Informer.

The Treasurer may appoint Officers under him to collect this Duty, and shall take the payment in Wines or other Merchantable goods as he shall approve, and shall be allow'd 2 s. in the pound for his pains and care.

No Victualler or Publick House-keeper shall suffer any person to remain Drinking in his house on Lecture day, during the time of any publick Lecture in the Town where he lives, except Strangers coming accidentally for refreshment, upon pain of 5 s. for every Offence.

All offences against this Law may be heard and determined by one Magistrate, who upon due Conviction may levy the Fines by Warrant to the Constable.

Any person voluntarily confessing himself guilty of a breach of this Law, shall be a good Witness to Council against any other person offending at the same time.

Constables may duly make search on Lords Days and Lecture days in their respective bounds for any offenders against this Law, and upon proof of their wilful neglect shall forfeit 10 s. for every Offence, to be levied by the Marshal.

No Licence for a Publick House shall be granted for longer time than from year to year, and all Publick House-keepers are obliged once every year to renew their Licences, on penalty of five pounds.

This Law shall not extend to the present Vintners under Contract with the Publick.

Persons drinking in Publick Houses may not carry themselves rudely or uncivilly, sing or make a noise to the disturbance of the House on penalty of 5 s. for every offence; and if the keeper of any such Publick House shall suffer any such rudeness, and not legally prosecute the same, he shall be debarr'd renewing his Licence.

Persons in company with such persons as offend against this Clause shall all be accounted Guilty, unless they publicly testify their dislike of their behaviour; and freely witness against the person Guilty, if he be otherwise unknown.

Any person addicted to Tippling and Drunkenness shall be warned by the Select men of the Town to forbear frequenting such Taverns or Publick Houses, and

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if he be after such warning found in any such House he shall forfeit 5 s. for every such Offence, or sit in the Stocks.

Also the Select men shall give notice to the Keepers of the Publick Houses that they suffer not such a person so warned to come into their Houses, on the penalty of 20 s. for every Offence.

Judges.

Judges in Civil Causes between Parties may not hear a Cause where the Party and the Judge are any way related, as Father and Son, either by Nature or Marriage, Brother, Uncle, Nephew, Landlord or Tenant; yet in such Case the Judge may give his advice, but not sitting as a Judge, nor shall he pass any Sentence, nor give his Vote on the Bench.

L.

Lands.

All the Lands in the Jurisdiction are declared Freeholds, and are and shall be free from all Fines and Licences, upon all Alienations, and from all *Harriots*, *Wardships*, *Liveries*, *Primeir Seizin*, *Year-day* and *Wafts*, *Escheates* and *Forfeitures*, upon the Death of Parents or Ancestors, Natural, Unnatural, Casual or Judicial, and that for ever.

Leather.

No Butcher, Currier or Shooe-maker shall exercise the Trade of a Tanner, on the forfeiture of 6 s. 8 d. for every Skin he shall Tann while they use any of the Trades aforesaid; nor shall any Tanner use the Trades of Butcher, Currier or Shooe-maker, under the like penalty.

None

Repeal- § None but Tanners may bargain, buy, make
ed { any Contract for, or bespeak any raw Hides
of Ox, Bull, Steer or Cow, in the hair.

Butchers or their Servants may not Cut or Gash any
Hides of Oxe, Bull, Steer or Cow, in the fleaing there-
of, on the penalty of 1 s. for every such Cut or Gash.

Leather over Limed, or insufficiently Tann'd; or not
thorowly Dry'd after Tanning, shall not be expos'd to
sale on forfeiture of the same.

Tanners putting Leather into hot or warm Moors,
or setting their Fatts in places improper, where the
Leather will heat and burn, shall forfeit twenty pounds
for every offence.

Curriers shall not Dress any Leather imperfectly
Tanned and not thorowly Dryed, nor shall not use
any deceitful or subtil mixture, thing, way or means to
corrupt or hurt the Leather, nor shall Curry any Sole
Leather with any thing but with good hard Tallow,
nor with less than the Leather will receive; nor shall
Dress or Curry any Upper Leather, but with good
and sufficient stuff not salt, and shall thoroughly Liquor
it till 'twill receive no more; nor shall burn or scald any
Leather in the Currying, on forfeiture of every Hide
inarr'd by unworkmanlike handling, to be judged by the
Oath of sufficient Witnesses.

Every Town where occasion is shall have one or
more persons appointed by the County Court to view
all Leather Tann'd, Dress'd or Curry'd within their
Limits, whether wrought or unwrought, who shall
Seal with the Town Mark all the Leather they find suf-
ficient, and no other, and shall seize what he finds in-
sufficient; and if the Owner will not submit to his
judgment he shall cause it to be view'd by four of the
Inhabitants skilled in such Goods, who shall give their
opinions in upon Oath at the next County Court.

If the Officer delay or refuse to View or Seal any
Leather well and sufficiently Dress'd or Tanned, or
shall seal any that is insufficiently Tann'd, he shall for-
feit the full value of the Leather.

The Officer may take for his Fee for Sealing of Lea-
ther one penny *per* Hide for all parcels under five, and
six pence for every Dickar above, to be paid by the Tan-
ner at the time of Sealing.

All the Fines levied by this Act shall be paid one
third

third. to the Treasurer of the Shire, one third to the Treasurer of the Town where the Offence was committed, and one third to the Seizer.

Liberties.

All men, as well Inhabitants as Foreigners, free or not free, shall have full liberty to come to any Publick Court, Council or Town Meeting, and either by Speech or Writing to move any lawful or material Question, or to present any necessary Motion, Complaint, Petition, Bill or Information, whereof that Court hath cognizance, provided it be done with due order, in convenient time, and decent manner.

Every Inhabitant who is a Householder shall have free Fishing and Fowling, in any Ponds, Bays, Coves and Rivers, so far as the Sea ebbs and flows, within the precincts of the Town where they dwell, unless otherwise appropriated by the Freemen of the Town.

No Town shall appropriate to any particular person any great Pond of above ten Acres of Land.

All Creeks, Coves, and other places in the Salt Water where the Sea ebbs and flows, the Land adjoyning shall have the propriety to Low Water mark, if it ebbs not above an hundred Rod, but no further.

No Proprietor shall lett or hinder the passage of Boats or Vessels in or out of any Creek or Cove whatsoever, where the Sea ebbs and flows.

Any man may pass and repass on foot thro any other mans Land or Property, so they trespass not upon his Corn or Meadow.

Any man within this Jurisdiction may freely remove himself and his Family out of it, to what place, and in what manner he pleases, provided there be no Legal Impediment to the contrary.

Lying.

Any person above fourteen years of age who shall wittingly or willingly make or publish any Lye which may be pernicious to the Publick, or tending to the damage of any particular person, or with intent to abuse the

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the people with False News and Reports, shall for the first offence pay 10 s. or be set in the Stocks two hours in some open place; for the second shall pay 20 s. or be whipt, not exceeding ten stripes; and for the third offence pay 40 s. or whipping with more stripes, not exceeding 15; and if they continue to offend they shall pay every time 10 s. more than before, or be whipp'd with five stripes more than before, not exceeding forty at a time.

The Fines shall be levy'd, or the Punishment inflicted by the Marshal of the Jurisdiction, or the Constable of the Town where the Offence is committed, and the Money paid to the Treasurer of the County.

The Offender may appeal to the County Court, and give Bail to prosecute his Appeal, and abide the Order of the Court; but if his Appeal be found groundless he shall be fined double, and pay the Charges of the Court, or be Corrected by Whipping.

All Children or Servants under age that shall offend in Lying, their Parents or Masters shall give them due Correction in presence of the Officer, if the Magistrate appoint it.

No person shall be barr'd of his just account of Slander by any proceedings on this Act.

M.

Murder.

Wilful Murder upon premeditated Malice, Hatred and Cruelty, and not in a more just and necessary defence, nor by casualty against the consent, shall be punished with Death.

Man-stealing.

If any Man stealeth a Man or Mankind, he shall be put to Death.

Manslaughter.

If any person shall kill another in the just and necessary defence of his own Life, or the Life of another, he shall be blameless.

If any person kill another, attempting to Rob or Murder in the Field or Highway, or to break into any Dwelling-house, not being able with safety to take the Offender, or bring him to Tryal, he shall be holden blameless.

This is not Manslaughter.

Marriages.

No man shall strike his Wife, nor any Woman her Husband, on penalty of such fine not exceeding 10 l. for one Offence, or such Corporal Punishment as the County Court shall determine.

No Man or Woman shall be Married, till their intended joyning together has been three times published, at some publick Lecture or Meeting in both the Towns where they dwell, or be set up in Writing at the Meeting House Doors for the fourteen.

No Man may make motion of Marriage to any Maid without consent of her Parents or Governours, or in their absence of the next Magistrate, under penalty of 5 l. for the first Offence, 10 l. for the second, and be bound to forbear, and for the third offence shall be Committed to Prison, and upon Conviction at the County Court, shall remain in Prison till he be released by the Court of Assistants.

Married persons shall repair to their Wives or Husbands, and not settle here in a separate condition, without showing good cause to the Court of Assistants to the contrary.

None to Marry any person but the Magistrate, or such other as the General Court or the Court of Assistants shall authorize, where no Magistrate is near.

The Law resolves that no man may Marry the Natural Sister of his former Wife.

Marshal:

Every Court of Judicature shall have a Marshal, who shall execute all Writs, Summons, Sentences and Executions, Civil and Capital, within the Jurisdiction of that respective Court.

Marshals shall levy the Goods of every person, for which he shall have Warrant, without favour or partiality, and shall deliver them to the Plaintiff or his Attorney, or make satisfaction to the party for all Damages by his neglect.

Executions shall be returned by the Marshal to the Clerk that granted them in two Months after the receipt of them, with an account of what hath been done thereon, under his hand, and if the Plaintiff be not fully satisfied, the Clerk shall grant Execution for the remainder.

The Marshal shall also with faithfulness and care serve all Attachments directed to him, and return the same to the proper Courts and at the proper times.

No Marshal shall be allow'd to be Clerk or Recorder of any Court.

The Marshal shall levy all Fines or summs of Money, for which he shall have a Warrant from the respective Treasurer, which he shall return, on penalty of 2 s. for every pound not collected or return'd.

The Marshals Fees for all Fines to the County levied and returned are twelve pence in the pound, for serving Attachments within one mile, 1 s. 3 d. for serving Executions, twelve pence in the pound for all summs under ten pounds, six pence *per* pound more for all under forty pounds, three pence more for all under one hundred pounds, and one penny more for all summs above one hundred pounds, to be paid out of the Estate of the Defendant, over and above the Execution.

If the Fees of any Execution will not answer the Marshal's Travelling Charges, he may demand six pence *per* mile, and levy it with the Debt.

All Marshals are to pay the Marshal General 3 d. in fifteen pence of all Attachments they serve, and 3 d. in twelve pence of Executions.

The Marshal General shall receive 2 *d.* per Quart of all Strong Waters sold by retail, and the half of five pounds of all such persons as shall by his Information be Convicted of selling Strong Waters without Licence, and the sole benefit of all Strong Waters imported.

Marshals have power to Charge any person to aid and assist them as the Constable hath, with the like penalty upon refusal.

In Case of Levying Fines or Assessments, the Marshal has power after Demand and Refusal to break open the Door of any House, Chest or place where he has notice any Goods or Person lyable to his Warrant shall be, and if need be to demand assistance.

Whatever Charges the Officer is put to by Refusal or Resistance of his Warrant, he shall levy with the Debt, Fine or Execution, and where there is any Charge in removing Goods levied by Execution, the said Charge shall also be levied with the Execution.

But no Execution shall seize, distrain or remove any Mans Bedding, Apparel, Tools, Arms or Household-stuff necessary to Life, but his Land or Wares and his Person.

No Officer shall be put to search out any Mans Estate, but if he cannot discover it at his place of Abode, nor the Person will not direct them to his Estate, Goods or Lands, they may take his person for the Debt.

If any Marshal or other Officer, under colour of his Office, do injury to any one, he is liable to damages by Action or Information as in other Cases.

Masters, Servants.

No Servant, whether Man or Maid, may Give, Sell, Truck or Barter any Commodity, without Licence from their Masters under their Hands, on penalty of such Fine or Corporal Punishment as the Court shall direct.

Labourers and Workmen hired by the day, shall Work the whole day, allowing convenient time for Food and Rest.

Servants running away from their Masters, may be brought back by force of Arms, and the Magistrate or Constable, or two of the Inhabitants, where no Magistrate

strate is, may press Men or Boats at the publick charge for that purpose.

The Freemen of any Town have power by consent to settle the rates of Labour and Workmens time, and the Inhabitants of the Town shall be bound by the Wages so settled, and may be compelled to work at such rates.

Difference between Neighbour Towns about the rate of Wages shall be decided by the County Court.

All Servants and Workmens Wages may be paid in Corn, to be valued by 2 indifferent Freemen chosen on both sides, and if they cannot agree, the next Magistrate or Constable shall choose a third person, who shall decide it.

If any Servant flee from the cruelty of his or her Master, he shall be protected and harboured, provided he flee to the House of some Freeman of the same Town, and provided due notice be given to his or her Master, and to the next Magistrate or Constable.

No Servant shall be turned over to another for above a year, unless it be by consent of Authority assembled in some Court, or of two of the Assistants.

If any Man or Woman Hurt, Maim or Disfigure a Servant, unless it be meer Casualty, the Servant shall go free, and the Master or Mistress shall make such recompence as the Court shall award.

Servants that have serv'd diligently and faithfully to the end of their Times, shall not be sent away empty; and such as have been unfaithful, negligent or unprofitable, shall not be sent away unpunished, but shall make satisfaction as Authority shall direct.

Malt.

Maltsters shall not sell their Malt till it be well Screen'd and Cleans'd from the Tails and Dust, on penalty of 1 s. per Bushel.

No Wheat, Barley, Bisket, Beef, Meal or Flower shall be Imported into this Jurisdiction on penalty of Confiscation; all Marshals and Constables may seize it where-ever 'tis found, and shall have one fourth part for their pains.

Former Imposts on Provisions as far as relate to this Act is repealed by this Law.

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Millers.

Millers shall have Weights and Scales in their Mills to weigh their Corn when reciev'd and when deliver'd.

Millers may take a sixteenth part of all Grain for Grinding the same.

Militia.

All the Militia of the Country are commanded by a Major General elected as by the Law provided.

The Militia of *Suffolk*, *Middlesex* and *Essex* are commanded by the Serjeant Major of the respective Counties.

The Militia of *Norfolk* is under the Command of the Major of the County of *Essex*.

The Serjeant Majors are chosen by the Freemen, Householders and such Soldiers as have taken the Oath to the Government before 15 May 1656, and no other, the Election to be appointed by a Warrant from the Major General.

The Major shall draw out their Regiments, and Exercise them once in 3 years, for which they shall have 20*l*. paid them out of the Treasury of the Country.

The Majors may levy by distress such Fines as shall be imposed upon Delinquents, and Non-observers of Military orders, or for defect of Arms, Ammunition, Appearances, Watches Offences, which Fines he may impose with consent of his Officers.

The Freemen, Householders and Soldiers, having taken the Oath of Fidelity as aforesaid, shall choose the Military Officers of their respective Towns, to be confirmed by the County Court.

Every Town chargeable with 64 Soldiers shall have nomination of all Officers, and form them into a Company, other Towns having fewer Soldiers, shall only choose Serjeants and Corporals.

The Major shall joyn the small Towns into Companies.

The Officers being chosen shall have their Commissions from the General Court, shall take care of the Arms and Equipages of their Companies, shall appoint two thirds of every Company to be Musketeers, and all the

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Pike-

Pikemen to have Helmets and Coaslets, and shall exercise their Companies six days every year at least, shall punish all disorders of the Soldiers corporally, or by Fine not exceeding 20 s.

Soldiers and all other Inhabitants shall be well furnished with Arms, on the penalty of 20 s. for every defect; Magistrates, Elders of Churches, with the President, Fellows and Students of *Harward* Colledge excepted.

All the Males above sixteen years of age, except as by the next Clause is excepted, shall duly attend all Military Exercise, as Training, Watching and Warding, under penalty of 5 s. for every default.

Magistrates, Deputies, Officers of Court, Elders and Deacons, the President, Fellows and Students of *Harward* Colledge, Schoolmasters, Physicians and Chyrurgeons, allow'd to be such, Treasurers, Surveyor General, Publick Notary, Masters of any Vessels above 20 Tun, Fishermen constantly using the Trade at Fishing seasons, constant Herdsmen, also one Servant of every Magistrate and Teaching Elder, the Sons and Servants of the Major General for the time being, and all such as for Bodily Infirmary shall by authority be discharged, are excepted from Military Services.

Every Company shall have a Clerk of the Band chosen as the rest of the Officers, who shall keep a List, and take notice of all Defaulter, and other Offences, to view twice a year the Arms and Ammunition of the Soldiers and all the Inhabitants, and return his account of Defaults to the Captain, and shall collect all Fines laid for the same.

Money levyed for Fines on Defaults shall be laid out by the Clerk.

Trophies for the Company, as Colours, Drums, Halberds, Candles, and Weeds for Match, or provide Arms and Ammunition for the poorer sort.

A Committee of the Militia shall be kept in every Town, to act in any sudden Exigent, who shall have a Commission and Power to appoint a Military Watch as they see cause.

The Committee of *Boston* shall consist of the chief Officer of Horse, if living in the Town; the chief Officers of every Company of Foot, or the greatest part of them. *Charletown*, *Salem* and *Ipswich* shall have the like, with the like Commission. Every

Every Committee where any alarm is given are requir'd with all possible speed to give Intelligence to the next Magistrate, and to the Major of the Regiment.

No Major may March his Regiment, or any part of it, or any Troop of Horse, out of the County without an Order from the General Court, Council, or Major General, except on the pursuit of an Enemy after a Rout.

On the Death of the Major the Eldest Captain supplies his place till Orders are given from the Superiour, and all Seniority of Commissions according to the Seniority of the Towns they serve for, except the four Companies in *Boston*, whose Seniority is accounted from the Date of their Commissions.

Warrants for Impressing of Soldiers are to be directed to the Commissioners of the Militia of the several Towns, and they may suppress all raising of men without their authority; also they are to take care of Fortifications and the Artillery in them.

Military Watches are set by Beat of Drum half an hour after Sun down, and if any man fire a Gun after Watch set he shall pay 40 s.

The Military Watch, or their Scouts or Centinels, may Examine, Stop and Detain any person they suspect till morning, and then bring them to their Officers to be Examined; and if any person in time of War resist, or refuse to stand, or Draw upon the Centinel, or offer any other action as may give the Centinel cause to fear his Life, he may Fire upon them, and immediately retire to the Guard and give the alarm.

In time of War, Smiths shall without delay repair all such Arms and other necessities as are brought to them, on penalty of five pounds; and in time of Peace within ten days, on the penalty of 10 s.

The Surveyor General shall once a year give an account to the General Court of what quantity Powder of and Ammunition is in the Magazines for the publick use.

Every Town shall have a Magazine for Ammunition, and a Watch or Guard house, on the penalty of ten pounds. and the Select men of every Town shall provide, as a Town stock, one Quintal of Powder, one Quintal and half of Musquet Ball, and twenty eight pound of Match, to every fifty men, which shall al-

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ways be kept in store, and carefully renewed, under the penalty of five pounds.

The Horse shall be under the Command of the Majors of the several Counties, and every Troop consisting of forty men, shall choose their Officers, as the Foot.

The Troopers to keep a good Horse, with Furniture; Saddle, Bridle, Holsters, Pistols, Carabine and Sword, under the penalty of 10 s. and shall not change his Horse when once Listed without Leave of his Officer. He shall attend six Days Exercise every year under the appointment of his Officer, to pay 5 s. for every Default, nor Disband himself without leave, under the penalty at Discretion of his Officer, not exceeding 50 s.

Every Troop has a Clerk, with the same Power and Employment as in the Foot, *Mutatis Mutandis*, save that the Clerk of the Horse is allowed the Fees of the Marshal for Travelling, but to levy no Fines within a month after the Default.

In case of alarm, all the Soldiers, as well Horse as Foot, are to repair to the Guard, and there to attend the Orders of the Committee of the Militia, under the penalty of 5 pounds.

None shall be a Listed Trooper but such as pay in a single County rate for one hundred pounds Estate, or their Children.

Soldiers disobeying Orders in Common Training, may be punished with usual Military Punishments at the head of the Companies, at the Discretion of the Officer.

All persons liable to serve in Constables Watches, shall also be liable to the Military Watches, under the penalty of 5 s. for every defect.

Inferiour Officers are to receive their Orders from the Major General, and to yield ready Obedience to them, under the penalty of five pounds for every Default.

Persons listed in the service of the Country, either in the Common Militia or any extraordinary Troops, shall be subject to Martial Laws.

During the late War, and from thence till farther Law shall be made, the Majors of Regiments in each County, or any Inferiour Commission Officer who hath Command of a Company, are at liberty to March
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out of their own proper County, with their Company or Regiment, as they shall see cause, for annoying the Enemy, provided it be not contrary to any particular Order from their Superiour Officer.

Soldiers appointed to Garrison and Defend any Post, Place, Town or Fortification, shall be Commanded by the Chief Military Officer of the place they are posted to defend, excepting only where the Major of the Regiment to which they belong shall be present, or the Council or General Court shall appoint.

The Commissioners of War shall not pass a Debenture of the time any man has serv'd, without a Note from the Committee of the Militia of the Town whence he came, certifying whether he went out with his own Arms, or hath return'd his Arms where he receiv'd them, except of a man slain in the service, and in such case the single Certificate of his Captain shall be taken.

The Committees of the severall Towns may appoint Garrisons, and fortifie their respective Towns in case of danger, and may oblige the Inhabitants to work on such Works as they shall agree on, under the penalty of 5 s. per day.

The Committees of the Militia may augment or dispose the Magazines and Stocks of Ammunition and Arms in their respective Towns as they see cause, and to assess the Town for the same.

Fines due according to Law from any Soldier or Military Officer, and not levyed by the Clerk of the Troop or Company (within one month, may then be levyed by the Marshal or Constable for the Captain or chief Officer of that Troop or Company upon the Estate of the Clerk.

The Clerks are bound to render an account of all Fines and Penalties to the Captain or chief Officer of every Troop or Company in six weeks after they are levyed.

Mines.

Whoever makes the discovery of any Mine within this Jurisdiction shall enjoy all the profits thereof, with a fit proportion of twenty one years, and shall have

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leave to buy the Interest of any *Indians* in such Lands where such Mines shall lye, provided they enter not upon any property either of Town or person without their consent.

But if any Mine be discovered by any person in his own proper Land, the said Mine and all the profits are and shall be his own, and be to his Heirs and Assigns for ever, excepting only one fifth part of Gold or Silver Oar, according to the Law in that case provided.

Money.

The Master of the Mint shall Coin the Money of good Silver of the alloy of New Sterling *English* Money, 2 *d.* in the 1 *s.* of less value than *English* Money, and no other Coin (except *English*) shall be currant here.

The Mint Master for himself and Officers may take for Coining, 1 *s.* out 20 *s.* Persons concerned may be present at the Coining of such Bullions or Plate as they bring into the Mint. Every 1 *s.* shall way 3 *d.* Troy Weight, and lesser pieces proportionably.

The Master and Officers of the Mint to be Sworn.

None shall send or carry out of this Jurisdiction by Sea or Land any Money Coined here, except 20 *s.* for necessary Expence, on penalty of Confiscation of all the visible Estate of the Offender herein, one third part to the Informer, the other two to the Country.

Monopolies.

It is Ordered, Decreed, and by this Court Declared, that there shall be no Monopolies granted or allowed amongst us but of such new Inventions as are profitable to the Country and that for a short time,

O.

Oaths, Subscriptions.

No Man shall be urged to take any Oath, or Subscribe to any Articles, Covenants or Remonstrances of Publick and Civil Nature, but such as the General Court hath considered, allowed and required ; and no Oath of any Magistrate or of any Officers, shall bind him any further or longer than he is an Inhabitant of this Jurisdiction.

Ordered, That the County Court or any Magistrate out of Cavit, is hereby Authoriz'd to require the Oath of Fidelity of all settled Inhabitants amongst us, who have not already taken the same, as also to require an Oath of all Strangers who after two months have their abode here, and if they shall then refuse, they shall forfeit five pounds for every Week he or they shall continue in the Jurisdiction, or give sufficient security for his Fidelity during his stay.

P.

Payments.

All Contracts, Agreements, Covenants and Engagements for any specie whatsoever, shall be paid in the same specie bargained for.

Petitions.

All Petitions to the General Court on common and ordinary occasions, the Petition shall pay on delivery thereof 2 s. 6 d. to the Secretary or Clerk to whom it is delivered.

All Petitions for abatement of Fines, mitigation of Penalties, for Gratuities, Debts, or Controversies between Parties or Towns, pay 10 s.

No Petition shall be presented to the General Court after the first four days of the Court of Elections, nor after the first week of any other Session.

Petitions of Magistrates or Deputies, wherein their own personal right is concerned, and all Petitions which concern any Engagement of the Country to any particular person, are exempted from this Charge.

The Clerks or Secretary shall keep an account of Fees received on Petitions, and discount them in part of their Sallary.

Pipe-staves.

The Select men of every Town where Pipe-staves are Shipt shall choole two men for each Town to view all Pipe-staves to be exported, and shall throw by all that are defective, either in Worm-holes, Sap or undue size, *viz.* that are not four foot and half long, three inches and half broad, and three quarters of an inch thick, well and even hewed.

Pipe-staves Shipt or offer'd to be Shipt for *Spain* or *Portugal*, unsearcht by the said Officers, except for dry Cask, shall be forfeited.

The Viewers of Pipe-staves shall be allowed 2 s. for every thousand of Staves they view, as well the Refuse Staves as the Merchantable.

Masters of Vessels that take on board any Staves to carry the same to *Portugal* or *Spain*, without being to view'd, shall forfeit five pounds for every thousand.

Cast or Refuse Staves, or other red Oak Staves may be Transported, provided they are Shipt or sold as such, and not as Merchantable.

Poor.

The County Court, or two Magistrates out of Court may determine all differences about settling and providing for the Poor, and to dispose of all vagrant and unsettled persons for the ease of the Country, with liberty of appeal to the Court of Assistance.

Three

Ordinances of New-England. 81

Three months residence in any Township or Parish without notice given by the Constable or one of the select Men, or by their order shall be accounted a legal Settlement, and the Town or Parish shall be bound to relieve and provide for them in case of necessity.

And if after notice, the said Person or Persons remain in the place, and the select Men do not by Complaint or Petition, apply to the next County Court for Relief, and effectually Prosecute, it shall be accounted a Lawful Settlement.

Possession.

Any Person who hath possessed either by himself or his Grantees or Assigns as his or their own proper Right, any Lands or Tenements within the Jurisdiction before the 19th of *October* 1652. and shall keep the said Possession without any Claim entered with the Recorder of the County, and Prosecuted within the Term of five years after the 20th of *May* 1657, such Possessor may plead prescription, and shall enjoy the same for ever.

This Law shall be good to the Possessor, tho the Original Grant might be in another Persons name, and tho the Possessor may have nothing to shew for the Alienation but his Possession only.

Porters.

The select Men of every Town shall appoint who shall be employed as Porters exclusive of all others, and also to adjust their Wages.

Pound Breach.

Every Town or Village shall make and maintain one sufficient Pound or more, if need be, for Impounding of Swine, or any Cattel that shall be found Trespassing on any persons Lands.

Whoever Impounds any Cattel, must give present notice to the Owner if he be known, and if not must Cry them at the two next Markets or Lectures, and then
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the Owner shall pay all Damages, tho the Cattel escape out of the Pound.

The Owner of Cattel Impounded, having due notice, shall forthwith give satisfaction for the Damage done, or replenish the Cattel and proceed at Law, under Penalty of suffering all the Damage done him by detaining his Cattel.

To resist or rescue Cattel going to the Pound or any way in Custody of the Law, whereby the Party wronged may lose his Damages, the Party offending shall forfeit forty shillings; if it be a Pound Breach he shall pay five pounds and all Damages, and if any Bodily harm be done in the rescue, they shall have remedy at Law, and if the Offender be not able to make satisfaction, he shall be openly whipp'd, not exceeding twenty Stripes for the Pound Breach, and for Damages he shall satisfy by service, as in case of Theft.

Powder.

Merchants or others, Importing Powder or Lead, Bullets or any Ammunition, shall give an account to the Publick Notary of the quantity thereof, within one month after the landing, with the Names of the Persons to whom it is sold or delivered on the Penalty of forty pounds.

The Captain of the Castle is to give notice to all Masters of Vessels coming into the Bay from Forreign parts of this Law, and in other Ports the Constables of the Towns or Ports shall do the same.

No Gunpowder shall be Exported out of the Country, except for the necessary defence of Vessels going to Sea, without Licence from two Magistrates, on forfeiture of all the Powder.

Searchers may be appointed by the County Court, to visit all Vessels or Persons, to prevent the Exporting of Powder, and to have one half of what they shall seize for their pains.

The Undertakers of the Powder Mill in this County may have a Warrant at demand, from any one Magistrate to impress Workmen as upon a Publick Work.

Prisons.

Malefactors Committed to any Common Goal shall be Convoy'd thither at their own charge if they are able, otherwise at the charge of the County.

The County Court or on default the Court of Assistants shall appoint a house of Correction in every County, at the charge of the respective County.

The County Court may appoint the Common Goal of the County to be the House of Correction, till another can be Built or provided, the County Court shall appoint the Master of the Houses of Correction and the select Men of the Town where the House is built or appointed, must provide Materials for work.

The Profits of all the work, the Stock to remain entire is to the Master for his Fees, out of which Profit he shall allow Offenders Bread and Water or other mean Food, or six-pence in every shilling they earn for their subsistence.

Every Delinquent Committed to his Custody he shall cause to be whipped at their Entrance, not exceeding ten stripes, and then to Employ them by task, till they are discharged by a Warrant from a Magistrate.

If any person refuse to work, the Master shall correct them or abridge them of Food, till they will work; and shall not have power to discharge a Prisoner, but by Warrant from a Magistrate and if committed by a Court by Warrant from the said Court.

Persons who convey to any Prisoner any Instrument, Tool, in order to free or forcibly convey himself out of Prison; such Person if the Prisoner be committed for Debt, shall pay the Debt, and forfeit the like sum of Money to the County, or suffer such corporal Punishment as the Court shall award, and if the Prisoner stand committed for any Crime they shall suffer the same Punishment which the Prisoner was lyable to, and such other Fine or corporal Punishment as the Court shall award.

If a Prisoner escapes thro negligence of the Goaler, he shall pay all the Debts, or suffer all the Penalties the Prisoners were to pay or to suffer,

Goalers

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Goalers must from time to time give in a true List of their Prisoners to the respective Courts of Justice, and not to discharge any but by due course of Law.

The said Courts shall determine the costs to be allowed to Goalers, for maintainance of Prisoners, and by whom they shall be paid.

The Plaintiff in Civil Causes shall secure the Goaler necessary expence for subsistence of a Defendant Committed, both Food and Physick, and on neglect thereof, the Prisoner taking Oath that he is not worth five pounds, the Goaler may dismiss him.

The ordinary allowance for the subsistence of a Prisoner shall be two shilling six-pence *per week*.

Poysoning.

If any Man or Woman shall Poyson another so as they Die, the Offender shall be put to Death.

Protestation.

Any Member of any Court Council or Civil Assembly, in case they cannot consent to what the Majority of Voices shall decree may make their Contra Remonstrance or Protestation in Word or Writing, and at their request have the same recorded in the rolls of that Court, the Dissent to be entred only and not the reasons of it.

Punishment.

No Man shall be twice punished for the same Offence.

Corporal Punishments shall not be in Inhumane, Barbarous or Cruel.

No Man shall be punished with whipping, except he hath not wherewith otherwise to answer the Law, unless in some extraordinary Crime, and his Life also very scandalous.

No Man shall be forced by Torture to confess any Crime before Conviction.

But

But after clear Conviction, and where the Crime is of such a Nature that 'tis apparent he has other Confederates and refuse to discover them, he may be Tortured, yet not with such Tortures as are Barbarous and Inhumane.

R.

Records.

Every Judgment given in any Court, or by any one Magistrate, or by Commissioners, shall be Recorded in a Book, and all the Evidences kept, and the party for whom such Evidences are, shall pay to the Clerk or Recorder of the Court for filing the same, two pence for every Evidence.

The Foreman of every Jury shall faithfully deliver up all such Testimonies, or other Writings committed to them, to the Recorder or Clerk of the Court, at the same time as they give in their Verdict.

Clerks of the Writs in every Town, shall Record all Births and Burials within their respective Towns, and return a Copy of the same to the Recorder of the County Court, and pay him one penny for every Birth or Death.

All Parents, Masters of Servants, Executors or Administrators, shall bring in to the Clerk of the Writs in the several Towns, the Names of all such Persons belonging to them, as shall be born or die, to be entered by him, and shall pay the said Clerk three pence for every Person so entered.

Also every new married Man shall bring a Certificate under the hand of the Magistrate who married him, to the Clerk of the Writs to be Recorded, and shall pay three pence for the same, which the said Clerk shall also Transmit to the Recorder of the County, paying him one penny.

Persons refusing or neglecting, shall forfeit twelve pence.

Clerks neglecting to make their Annual return forfeit five pound, and neglecting to return the name of any Person,

Person, either Born, Dead or Married, shall forfeit five shillings.

Any Man may cause to be Recorded in the publick Rolls of any Court, any Testimonies given upon Oath in the same Court or before two Magistrates, or any Deed or Evidence legally confirm'd.

Any Inhabitant of the Country may search and view any Rolls, Records or Registers of any Court or Office, except of the Council, and have Exemplifications made, examined and signed by the Officer, paying the usual Fees.

If any Person pretending to view any Record or Register so enroll'd, shall willingly deface or rent any such Writing or Record, upon proof and conviction, he shall forfeit treble the damages that might have ensued thereby, and be fined the like sum to the Country, or suffer two months Imprisonment without Bail, or stand in the Pillory two hours in *Boston* Market with a Paper over his Head with these words in Capital Letters, *A DEFACER OF RECORDS* as the County Court shall determine,

The Clerk or Recorder of every County Court may receive for Transcribing an Evidence, for every Page of twenty eight or thirty Lines, eight Words in a Line, twelve pence for entry of a Mortgage or sale of Houses or Lands Verbatim, not exceeding *per* Page as aforesaid twelve pence, and proportionable to eight pence a Page for what they do exceed.

For attesting a Record in an Original Deed, Will or Inventory six-pence, with six-pence for filling up the Original and safe keeping, for entering an Order for determining an Estate, Intestate or any where the Court is to determine; twelve-pence, for entering the proceedings of the General Court in any Criminal Case two shillings six-pence, for entry of a Recognizance twelve pence, a Judgment Confess twelve pence, an Action one shilling six pence, a Judgment obtained six-pence, and an Execution two shillings.

All Clerks and Recorders of the several Courts of Justice, and of the several Counties must be Sworn.

Replevin.

Every Man shall have liberty to replevy his Chattel or Goods Impounded, Distrain'd, Seiz'd or Extended, unless it be upon Execution after Judgement and in payment of Fines:

Persons replevying their Goods must put in security to Prosecute the replevin, and to answer what shall be recovered at Law.

Rape.

If any Man Ravish any Maid above ten years of Age, or single Woman, having Carnal Knowledge of her by force, against her own Will he shall be punished with Death.

The Judges or General Court may order any other grievous punishment instead of Death, according as the circumstances requires.

Whosoever shall have Carnal Copulation with a Child under ten years of Age shall be put to Death.

S.

Sabbath.

Prophaning the Lord's-day by Children and Youth playing in the Streets or Fields, uncivil Walking, Drinking, Visiting, Travelling, going on Ship-board, Sporting or other exercises, shall for the first Offence be admonished, for the second pay five shillings, for the third ten shillings, and for the fourth be bound over to the County Court.

The Governour or Parents of Youth above seven years old, and under fourteen shall suffer for their Children.

Drinking in Ordinaries or Sporting in publick on Saturday night or Lords-day at Night after Sun set to pay five Shillings, or suffer Corporal punishment as the Court shall award.

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All Fines for Prophanation of the Lords days are for the use of the respective Counties.

Persons fined refusing to pay or to submit to the Court shall be corporally punished as the Court shall determine, but when so corporally punished the Fine shall be remitted.

No servile Works that are not of Piety, Charity or Necessity, shall be done on the Sabbath-day, on penalty of ten shillings for the first Offence, and to be doubled for every subsequent Offence.

Travelling to any Assembly or Meeting not allowed by Law shall be deem'd Prophaning the Sabbath.

Sodomy.

If any Man lyeth with Man as with Woman, both of them shall be put to Death.

If the one party was forced, or was under fourteen years of Age, he shall not die, but shall be severely punished.

Sailers.

No publick House-keeper or Retailer of Liquors may Arrest, Attach or recover by Law, any Debt contracted by any Sailer or Marriner contracted for Wine, Beer or other Strong Liquor drank in their House.

Salt.

Every Maritime Town shall have one meet Person appointed to Measure Salt, for which he shall be allow'd seventeen pence *per* Hogshead.

Seal.

The Governour for the time being, or any person appointed by him shall affix the Publick Seal to all Commissions and all Writings of publick concerns, issued from the General Court or the Council without any Fee.

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The Secretary for the time being shall write and procure the Seal to be affixed, and deliver the said Commissions or other publick Instruments to the parties concern'd, and may receive one Shilling for every Commission for his Fees.

Schools.

Every Town-ship of fifty Families shall have a School to teach the Youth to Write and Read, to be paid by the Town, and the Parents of such as he shall teach that are able.

Every Town of one hundred Families shall have a Grammar School, the Master whereof shall be capable of instructing the Youth and fitting them for the University, on penalty of ten pound *per Ann.* to be paid by the Town to the next Grammar School.

No School-Masters to be admitted who are unfound in Faith or scandalous in Life.

Self-Murther.

If any person or persons be wilfully guilty of their own Death shall be Buried in the common High-way, and a Cart load of Stones laid upon the Grave.

Sheep.

Any Man may keep Sheep on any Common, not stint belonging to the Town where he lives or where he has right of Commonage without Limitation, and in Commons which are stinted, any Inhabitant may use all his share of the Common for Sheep, accounting five Sheep for one Cow.

The Select Men of every Town shall have the full power of clearing the Commons of Brush and Wood for the keeping of Sheep, and to order the Fines of putting Rams to the Flock.

To chase Sheep with a Dog, or molest them by driving them from their feeding; the Offender shall pay five shilling for every Offence and double damages.

If a Dog kill any Sheep, the Owner shall either hang the Dog, or pay double damages for the Sheep, if a Dog hunt or bite Sheep not being set on, and the Owner has been warn'd thereof, he shall both hang the Dog, and pay for such Sheep as he shall worry or kill.

Sheep shall be washed in fresh and clean Water, and shall not be put into dirty or sandy Ground between the said Washing and Sheering, on forfeiture of twelve pence every Sheep.

No short Locks, lumps of Dirt or course Tails, shall be wound up in the Fleeces of Wooll, on penalty of twelve pence.

Ships.

The Owner or in his absence, the Builder of any New Ship or Vessel, shall before they begin to plank, give notice to the Governour or Deputy Governour, or any two Magistrates, that they may appoint proper Officers, to view and direct the same, on penalty of ten pounds.

If any Builder shall not amend, alter or reform any defect, upon advice of the Officer appointed to Survey, the Governour or Deputy Governour, or any two Magistrates, may appoint two Master Ship-wrights to view such Ship or Vessel, and to see that it be perform'd in a Workman-like manner, who shall take an Oath to be faithful and impartial between the Owner and the Workman; and shall be paid by such party as are found in default.

The Surveyors have power to cause any bad Timber or other Materials to be shifted and changed at the charge of the Builder.

No Healths may be drank on board any Ship riding in Harbour.

No Guns may be Fired after Sun set or on the Sabbath-day, by any Ship or Vessel in Port, on penalty of twenty shillings every Health, and twenty shillings every Gun.

All Ships or Vessels above 20 Tun burthen, Anchoring in any Port of the Jurisdiction are to pay half a pound of Gunpowder for every Tun burthen, excepting such Ships the greater part of whose Owners are Inhabitants of the Country.

No

No person may Trade or Truck with any Ship or Vessel coming upon the Coast, until the said Ship or Vessel shall come under command, and shall come to an Anchor in some of the Harbours or Ports, and acknowledge the Government as the Law provides.

Spinning.

All Hands not otherwise employ'd, as Women and Children are enjoyn'd to Spin, and the Select Men in every Town are to assess Families at half or quarter or one or more Spinners, and oblige them to Work.

Every whole Spinner, shall Spin 3 pound of Linnen, Wollen or Cotton *per* week, for thirty weeks in every year, on the penalty of one shilling for every pound short.

Strayers.

If any Beast be taken up astray, or any Goods found, which the Owner cannot be found, notice shall be given to the next Constable who shall enter it in his Book, and cause it to be Cry'd three several times on some publick days, and if above twenty shillings value, at the two next Markets or Meeting-houses, on penalty of the value of the Goods each, both the finder and the Constable.

If the finder do not give notice to the Constable in one month, or appraise and Record in the County Court the Goods found within three months, he shall forfeit the full value.

If an Owner claim the Goods within a year and a day of the publication, he shall have restitution paying charges, and if not, such Goods shall be half to the use of the finder, and half to the Country.

Any Beast taken up astray, shall have a Whith or Wreath kept about his Neck, from one month after their being taken, on penalty of losing all the charges of taking or keeping.

No Beast may be taken up as astray from the first of April to the twentieth of December, unless it be taken Trespassing in the Inclosures.

The Owner of any Beast lost and taken up as astray, may not take the Whith or Wreath off from the Neck of the Beast, on penalty of losing the full value to the finder.

Strangers.

All Strangers professing the Christian Religion, that shall fly to this Country from the Tyranny or Oppression of their Persecutors, or from any other distress, are to be succoured and entertain'd at the publick charge till some Provision may be made for them.

Strangers upon their arrival are to be carry'd before the Governour, Deputy Governour or two Magistrates and to give an account of themselves.

Strangers shall have equal benefit of and be equal subject to the Laws as the Inhabitants.

No Stranger shall be entertained or received in any House or Town above three weeks without License from the Magistrates, on penalty at the discretion of the County Court not exceeding 50 s.

The Constables are to return the Names of all new comers to the County Court if they know them to be entertained without License.

Sureties.

Sureties for Appearance shall not be discharged till the principal be surrendred, or the Execution on the Action satisfied.

Sureties shall be discharged if Execution be not taken out within a month after Judgment obtain'd.

Goods attached shall not be released upon appearance of the party, or upon Judgment obtained, but shall be held till Execution granted and the Judgment be satisfied.

If a Bond with Sureties becomes forfeit for non Appearance, the Case shall proceed to hearing and Judgment at the same Court, and if the Plaintiff obtain a Verdict, Judgment shall be granted against the Defendant, and his Sureties and Execution be issued out accordingly.

Swearing.

Whoever shall swear rashly or vainly by the Name of God, or shall profanely and wickedly curse another, he shall forfeit ten Shillings, or be set in the Stocks not exceeding three Hours.

If they shall swear or curse more than once at the same time, or in the same Company, the Penalty shall be double.

Any one Magistrate may hear and determine in Case of Swearing or Cursing.

Swine.

Satisfaction shall be made for Damage done by Swine, according to the Standing Order of the Town where the Damage is done.

The Select Men of every Town are impower'd to make Rules and Orders for regulating the Swine in their respective Towns, which shall extend to the particular Town they are made in, and no further.

No Damage shall be paid for Swine breaking in where the Fences are not sufficient, according to the Rule appointed by the Select Men of the Town.

Any Town or Select Men neglecting to settle Orders among themselves, for preventing Damage by Swine, above one Month, forfeit forty Shillings.

Swine impounded may be kept three Days and if not owned, the Party damnified may sell them by one Cry, after having given three Days notice to the two next Towns, if any are within five Miles, or he may appraise them by two indifferent Persons, and keep them to his own Use; and if the Owner appear, he shall pay himself all Charges and Damages, and recover the Overplus to the Owner.

T

Tile Earth.

Tile Earth shall be dug before the first of *November*, and turn'd over one Month before 'tis us'd, on Penalty of one half of the Tiles made of such Earth.

Tobacco.

No Person may take Tobacco within 20 Pole of any House, Barn, Stack or Cock of Hay or Corn, or so near as to endanger the firing thereof, on Penalty of ten Shillings, and full Damages to the Owner.

No Person may take Tobacco in any Inn or Common Victualling House, except in a private Room there, so that neither the Master of the House, nor any of his Guests take Offence thereat, on the Penalty of two Shillings and six Pence for every such Offence, one half to go to the Informer, and the other to the poor of the Town where the Offence is done.

Tolling of Cattle.

That the Clerk of the Writs in every Town shall keep a Toll-book, wherein all Horses or neat Cattle Bought and Sold shall be entred, with the Age, Colour, and Marks, at the peril of the Buyer, and pay three Shillings per Head to the Clerk.

The Seller of any Cattle shall enter his Name, and bring two Vouchers to testifye him to be the Owner of all Cattle tollable by this Law.

If any Cattle so vouch'd be challeng'd, the Voucher shall make good the Damage.

The Buyer shall be lyable to all Damages as if the Fellon himself were present in Case of Challenge.

All

All Persons who have lost any Cattle, may search the Toll-books of any Town without Charge.

Township.

The Freemen of every Town may make such Laws and Constitutions as concern the particular Affairs of their own Town, criminal Cases excepted; and may impose Penalties and Fines on Delinquents not exceeding twenty Shillings.

Every Town may choose yearly and oftner a convenient Number of their Inhabitants, not exceeding nine, to order the Affairs of the Town, which shall be called the Select Men.

Any Householder of any Town being an English Man of 24 Years of Age, and rated in a single County-rate at eight Pound Estate, and having taken the Oath of Fidelity to the Government, may be chosen a Select Man, Juror or Constable tho' they are not Freemen, so that the major part of the Select Men be Freemen.

All Towns have Power to impose a Fine of five Pounds, and the Town of *Boston* ten Pounds on every such Person, as being legally chosen, shall refuse to serve in the Office of Constable, provided he be personally able to execute it.

No Cottage or Dwelling House shall be admitted to the Priviledge of Common, for Wood, Timber and Herbage, but by the consent of the Towns.

Constables shall serve all Warrants from the Select Men, and levy their Fines as from their Magistrates.

Treasurers.

The County Treasurers are to keep exact Accounts of all Debts and Dues belonging to the Country, either by Fines, Forfeitures, Rates, Gifts, Legacies, Rents, Customs, Impositions Whales, Shipwrecks and the like, and of all Payments and Disbursements on the Country Accounts.

The County Treasurer shall not make any Payment to any Person indebted to the Country, till he either pay the Debt or allow so much as is due to the Country, out of what he is to receive.

22 *An Abridgment of the Laws and*

shall be annually chosen out of every
by the Freeman on the same day the Magistrates,
appointed.

All Fines arising in any County Courts, or by Fines
ordered by one Magistrate, or by Commissioners in
Criminal Cases shall be paid to the Treasurers of the
respective Counties.

The Secretary of the General Court and Court of
Assistants, and the Clerk or Recorder of the County
Courts shall keep Books of Accounts of all dues arising
from Actions, Fines or otherwise, which they are to re-
ceive of the Treasurers and shall deliver a Transcript
of the same to the Treasurer, within 14 days after the
end of every Court, and the Treasurer shall within one
week after issue out his Warrant to the Constable to
levy the same.

Treasurers shall receive one shilling *per* pound, of all
Fines received by him, and shall be free himself from
all Country and County rates. County Treasurers are
to give in their accounts annually to the general Court,
and to present the same at the annual Election.

If there be Money wanting to satisfy the County
charges, the Treasurer shall present it to the County
Court who shall give Warrant to levy the Deficiency
by rate upon the whole County.

The County Treasurer shall present the names of
such Constables as shall neglect their duty to the next
County Court.

Tryals.

In all Tryals at Law or in criminal Cases, the Parties by
consent may choose to be Tryed by the Bench and a Jury,
except where the Law has already prescribed the contrary.

Every delinquent may challenge any of the Jury em-
pannell'd for their Tryal, which appearing to the Bench
to be reasonable shall be allow'd him, and others chosen
in their room.

Children, Idiots and Lunatics shall have such Al-
lowances and Dispensations as to Religion and Reason
seem proper.

V

Vagabonds.

Vagabonds and wandring Persons shall be apprehended by the Constable of the place, with or without further Warrant, and brought before the next Magistrate, who shall proceed against them as Rogues and Vagabonds, unless they can give a good and satisfactory account of such their Wandring, and cause them to be punish'd, and sent from Constable to Constable, till they come to their place of abode, or in case they will not discover their abode, then to the House of Correction.

Votes.

Every Freeman called to give his Advice or Vote in any Court or civil Assembly, shall have freedom to do it, according to his true Judgement and Conscience, and in all cases where a Freeman is to Vote, if he cannot see right or reason to give it positively one way or other, he shall have liberty to be silent, which yet shall be interpreted as if he Voted for the Negative.

When any thing is to be put to a Vote, Sentence to be pronounced, or any other matter proposed in any Court or Assembly, if the President or Moderator refuse to perform it, the Major part of the Members may appoint any other meet person to do it, and if there be cause, punish him that refused.

Usury.

No Man shall be adjudged for the forbearance of any debt above eight pound in the hundred for one year, and so proportionably, (Bills of Exchange excepted.)

W

Wampampeag.

Wampampeag shall pass current in the payment of Debts, as far as forty shillings; the White at eight a penny, the Black at four, if intire without breaches or spots, except in payment of Country Rates to the Treasurer. Repeal'd, 1661.

Watching.

Constables Watches in every Town, shall begin the 1st of *May*, and continue till the end of *September*, upon penalty of five pounds, to be levy'd of every Constable neglecting.

The Constable shall take care that the Watch be warned, that it do not consist of Youths, but able Men joined with them, and a sufficient Watch. Unless the Select Men of the Town shall otherwise order the said Watches.

All Inhabitants (except such as by Law are exempted) shall as they are warned, serve the Country in the Constables Watches, and duly observe the charge given them by the Constable, which shall be that they duly examine all Night-walkers after 10 a clock, (unless known to be peaceable Inhabitants) and in case they give not reasonable satisfaction, to secure them till morning, and then carry them before the next Magistrate to give satisfaction for their being abroad at that time of the night. If the Watch-men find any Inhabitant or Stranger, after 10 at night behaving himself Debauchedly, or in Drink, the Constable shall secure him till the Law be satisfied. And the Constable shall further give in charge to see all noises in the Streets still'd, and Lights put out (except upon necessary occasions.)

Every Constable shall present to the next Magistrate the name of every person who upon lawful warning shall refuse or neglect to Watch, who being convicted and

ha-

having no just Excuse, shall forfeit five Shillings for every such Offence.

Every able Person (not excepted by Law) shall be lyable to watch, or supply by some other, when required. And if there be several in the same house, whether Sons, Servants or Sojourners, they shall be all compellable. But such as live as Farmers remote from Towns, shall not be compellable to watch in Towns.

Magistrates, Deputies of the Court for the Time being, Elders of Churches, Publick sworn Officers of the Country, Commission Officers in the trained Bands, shall be freed from all ordinary Watches of the Constables and no other Persons except such as have special and persnoal Freedoms by order of this Court.

Weights and Measures.

The Country Treasurer shall provide at the Countries charge, seal'd Measures for Standards, viz. One Bushel, one Peck, one half Peck, one Ale Quart, one Wine Pint, one half Pint one Ell, one Yard, a Set of Brass Weights to four Poundafter sixteen Ounces to the Pound, with fit Scales and and Beams.

The Constable of every Town, shall within 3 Months, provide all such Weights and Measures as above exprest, tryed and seized by the Country Standard, and sealed by the said Treasurer or his Deputy, for which he may receive two-pence for every Weight and Measure so sealed, which said Weights and Measures shall be delivered into the Custody of the Select Men of every Town, who with the Constable, shall chuse an able Man to be Sealer of such Weights and Measures of their own Town, who shall be by them presented to the next County Court, and there sworn, and after Summon all the Inhabitants of that Town to bring in all such Weights and Measures, as they make use of, in the second Month from Year to Year, that such Weights and Measures may be proved and sealed with the Town-seal, and one Penny shall be paid for every Weight and Measure so sealed. And all such as cannot be brought to the just Standard, he shall deface or destroy. After the first sealing he shall have nothing so long as they continue just with the Standard.

If any Constable, Select Men, or Sealers, do not execute this Order as to every of them appertains, they shall forfeit to the common Treasury forty shillings for every Neglect for the space of one Month.

Every Person neglecting to bring in his Weights and Measures at the time and place appointed, shall for every such Default pay three shillings and four pence, half to the Sealer, half to the common Treasury.

The Select Men of every Town may appoint one, two or more, as occasion requires, who shall be sworn faithfully and uprightly to measure all such Corn, Wood or Boards, as as they shall be called unto. And none shall be forced to receive any such Commodities, but such as are measured by the sworn Measurers, the Receivers paying for the Measuring thereof.

Wharfage.

The following Rates shall be allowed by all such as bring Goods to any Wharf. For Wood *per Tun* three pence, Timber *per Tun* four pence, Pipe Staves *per thousand* nine pence, Boards *per thousand* six pence, Merchant's Goods in Cask or out *per Tun* six pence, dry Fish *per Quintal* a penny, Corn *per quarter* one penny half penny, Great Cattle *per Head* two pence, small Cattle (except such as suck their Dams) *per Head* a half-penny. Hay, Straw, &c. *per Load* 6 pence, Stones *per Tun* a penny, Cotton and Wool *per Bag* two pence, Sugar *per Chest* three pence.

Wharfage shall be taken only where the Wharfs are made and maintain'd. And Wood, Stone, and weighty Goods shall be set on end, or laid 7 Foot from the side of the Wharf upon Penalty of double Wharfage. No Goods shall lye on the Wharf above forty eight Hours, without further Agreement. The Wharfinger may take the aforesaid Rates out of the Goods landed, if not otherwise paid.

None shall cast an Anchor, Graplin or Killark, in or near the Cove at *Boston*, where it may endanger other Vessels, upon penalty of 10 s. besides damages.

No Person shall cast any Dung, Draught, Dirt or any thing to fill up the Cove or annoy the Neighbours, upon Penalty of forty shillings, half to the Country and half to the Wharfinger.

Wills.

Wills.

Wills must be Proved or Recorded in the County Court where the Party deceas'd dwelt within thirty days after the demise of the Testator.

In case the Party deceas'd Intestate, Administration must be take out in thirty days.

Any person entring upon any Estate of the deceas'd person, or shall allienate or imbeffel the same, before he hath Prov'd and Recorded the Will of the deceas'd, or taken out legal Administration, and brought in a true Inventory of the Estate of the deceas'd, shall be liable to pay all the Debt the deceas'd ow'd, whether Assuits be Prov'd or not, and shall forfeit five-pound *per* month, for so many months after the first County Court, as the 3d Will shall remain thus Proved or Administration not taken out.

If any Executor refuse to Act, or the Friends of an Intestate refuse to Administer, the Clerk of the Writs of the Town where the Party died shall give notice to the County Court, who shall take such order therein as they shall think meet.

Clerks of the Writs omitting such notice, shall forfeit forty shillings for every months default.

Two Magistrates with the Clerk or Recorder of the County, may take the Probate of any Will attested by Oath of two Witnesses, or may grant Administration of the Estate of an Intestate, and the Clerk shall give an account thereof to the next County Court, and Record the same.

If a person dying Intestate, leave a Wife and Children, the County Court may assign to the Widow and Children such parts and proportions of his Estate as they shall see fit, provided the Eldest Son shall have a double Portion, and the Daughters inherit as Coheirs.

Witnesses.

No Man shall be put to death for any crime, whatsoever but upon the Testimony of two Witnesses.

Any Magistrates or Commissioners authoriz'd by the General Court, may take the Testimony of any person above

above 14 years of Age, and of sound understanding in any case Civil or Criminal.

Evidence so taken out of Court, shall not be taken in Court unless the Witness be present to be further examined, except when the Witness lives above ten miles distant, or by Sickness or other Infirmities unable to come.

In all Capital Cases Evidences shall be *Viva Voce* in Court wherever they dwell.

Witnesses summon'd in civil Cases, shall not be bound to attend or to Travel from Home, except the Party for whom he is to appear shall lay down Money, or otherwise content him for his Travel and Expences out of home, and for the time he shall spend in attending the Court, shall award him satisfaction.

Two shillings *per Diem* for Witnesses above three miles distant, and which are to pass over any Ferry, except between *Boston* and *Charles Town*, and eighteen pence *per Diem* in other cases shall be accounted sufficient, and if any Witness on Payment or Tender of so much Money shall fail to attend and give his Testimony, he shall be lyable to pay the Parties damages.

Witnesses in criminal Cases shall have like satisfaction from the Treasurers, they to be repaid by the Delinquents.

Wolves.

Any Person who shall kill a **Wolf or Wolves** within ten miles of any Plantation in the Jurisdiction, shall have for every Wolf ten shillings paid by the Treasurer of the County.

This Law extends only to such Plantations as Contribute to the Publick Charge.

Indians who shall kill any Wolves and shall deliver the Head to the Select Men of any Township, shall receive two pounds of Powder and eight pounds of Shot, or one pound of Powder, four pound of Shot and five shillings in Corn, or no Powder or Shot and ten shillings in Money for every Head which they shall chuse.

A. 1661.

By a Law since the reward for killing a Wolf shall be 40 s. 20 s. to paid by the Treasurer of the County,

10 s.

10 s. by the Treasurer of the Country, and 10 s. by the Town, to be paid on sight of the Ears of the Wolf. A.
1662.

Wood.

Where Wood is brought by Water-carriage it shall be assiz'd in proportion, a Boat of four Tun shall be accounted three Load, twelve Tun nine Load, twenty Tun fifteen Load, six Tun four Load and a half, fourteen Tun ten Load and a half, twenty four Tun eighteen Load, eight Tun six Load, sixteen Tun twelve Load, twenty eight Tun twenty one Load, ten Tun seven Load and a half, eighteen Tun thirteen Load and a half, thirty Tun twenty two Load and a half.

Cord Wood to be eight foot long, four foot high and four foot broad. 1647.

Wrecks.

No violence or wrong may be offered to any that suffer Ship-wreck upon the Coast, or to their Goods whether they are Friends or Enemies, but their persons shall be harbour'd, and their Goods preserv'd in safety till authority may be certified and shall give orders therein.

Whales or such like Fish cast on the shore shall be safely kept, or if it cannot be preserv'd, shall be Improv'd and an account given to the next General Court by the Owner of the Land or the Township where it came on shore.

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All Writs, Process or Indictments shall be issued out, and proceeded upon in the name of the King or Queen of England for the time being.

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Writship

Worship-False.

If any Man after Legal Conviction, shall have or Worship any Idol or strange God, he shall be put to Death.

Witches.

If any Person be a Witch, that hath or consulteth with a Familiar Spirit, they shall be put to Death.

F I N I S.

Appendix.

New-York Is.

At an Assembly held at the City of *New-York*, Sept. 12.
1693.

Act for the settling a Ministry and for raising a Maintenance for them in the City of *New-York*, County of *Richmond*, *Westchester* and *Queen's* County.

THE Preamble; Whereas Prophaneness and Licentiousness hath of late overspread this Province for want of a settled Ministry, whereby the Ordinance of God may be duly administred. 'Tis Enacted

That in each of the Cities and Counties hereafter nam'd, there being call'd, induced and established one good and sufficient Protestant Minister, within one Year next after the Date of this Act; *Viz.*

in the City of *New-York* One,
in the County of *Richmond* One,

Westchester Two—One to have the Care of *Westchester*, *East-Chester*, *Tonkern*, and the Mannor of *Pellham*.

The other to have the Care of *Rye*, *Munerenock* and *Bedford*.

In *Queen's* County Two—One to have the Care of *Jamaica*, and the adjacent Towns and Fenns.

The other to have the Care of *Hempsted*, and the adjacent Towns and Fenns.

And for the Encouragement of the Ministers, there shall be paid to the respective Ministers, as follows.

For the City and County of *New-York* one hundred Pound *per An.*

For the two Precincts of *Westchester* one hundred Pound *per An.* for each 50 s. to be paid in County produce at Money-price. For

For the County of *Richmond*, Forty pounds *per An.* in Country produce at Money-price.

For the two Precincts of *Queen's County*; One hundred and twenty Pounds to each, sixty Pounds in Country produce at Money-price, *ut supr.*

The Justice of Peace shall yearly issue out their Warrants to the Constable to summon the Free-holders of every City, County and Precinct aforesaid, to meet on the 2^d. Tuesday in *January* for the choosing ten Vestry-men, and two Church-wardens; which Justices, Vestry-men, and Church-wardens, or a Majority of them shall lay a reasonable Tax on the respective Cities, Counties, Parish or Precinct, for the Maintenance of the Minister and Poor of their respective Places, the Justices omitting to issue out their Warrants as above to forfeit 5 Pound respectively for every Offence.

If the Free-holders being lawfully summoned do not appear or appearing do not within ten Days make choice as aforesaid, the Justices shall lay the said Tax without them.

And if the said Justices and Vestry-men omit or neglect their Duty to forfeit five Pounds current Money.

Such Justices and Vestry-men as shall not be present at the Time appointed to make the said Tax, and be convicted by a Certificate under the Hand of such as do appear, shall respectively forfeit 5 Pound.

A Roll of the Tax so made shall be delivered to the respective Constables, with a Warrant signed by any two of the Justices of Peace, empowering them to levy the same, and on Default of payment to distrain and sell by out-cry, and pay the same into the Hands of the Church-wardens, detaining to their own Use 12 *d.* per pound, for the collecting, the Justice omitting to give such Roll and Warrant shall forfeit five Pound.

The Church-wardens when chosen shall not refuse to serve the said Office, and shall receive the Moneys collected, and keep a good Account of the same, and shall issue the same again by the Order of the Justices, and Vestry-men for the purposes aforesaid, and no otherwise, and shall give an Account to them as often as required, and on Omission or Neglect of their Duty shall forfeit 5 *s.* for every Offence.

The Church-wardens by Warrant from the Justices, shall pay to the respective Ministers the Maintenance appointed

pointed by this Act in equal payment quarterly, and shall forfeit 5 pound for every Neglect or Refusal.

All the Forfeitures of this Act to be disposed of, half to the Use of the Poor in the respective Precincts where they arise, and the other half to the Prosecutor.

Provided the Ministers which shall be thus settled are call'd in Manner aforesaid, by the respective Vestry-men and Church-wardens.

Provided this Act shall not make void any Agreement made with any Minister already in this Province, but they shall continue and remain in full Force and Virtue.

An Abstract of some additional Laws for the better regulating the several respective Plantations, where the same were made and ordained.

For New-York.

At a Sessions held at the City of New-York, Octob. 6. 1694. in the sixth Year of William and Mary, Present the Mayor, Recorder, Aldermen, and Assistants of the City in Common-Council.

For the better Observation of the Lord's Day.

No servile Work to be done, or any Goods bought or sold on the Lord's Day, under the Penalty of ten Shillings the first Offence, and double for every subsequent Offence.

Children or Servants may not meet to sport or play, or make any noise or disturbance in the Streets, the Penalty one Shilling for every Offence, to be paid by the Parent.

The Doors of Publick-houses to be kept shut, no Company to be entertained in them, or any sort of Liquor sold in time of Divine Service; Strangers, Travellers, or such as lodge in such Houses excepted; also, no Person to drink excessively, or be drunk, the Penalty 10s. for every Offence.

No Negro or Indian Servant to meet together above the Number of four on the Lord's Day, or any other Day within the City or Liberties. Nor any Slave to go armed with Gun, Sword, Club, or any Weapon, under Penalty of ten Lashes at the publick Whipping-post, or to be redeem'd by the Master or Owner at six Shillings per Head.

One of the Constables in the five Wards, on the South-side the Fresh-water by turns to walk the Streets of the City in time of Divine Service to see these Laws observed, and to have Power to enter into all Publick-houses, to put the same in Execution.

New York ls. **Strangers.**

The Constables to make Enquiry after all Strangers, and give in their Names to the Mayor, or in his Absence to the Eldest Alderman.

If a Stranger come into the City and inhabit there ten Days without such Notice of him given to the Mayor, &c. and any Charge ensue from the said Stranger, such Charge shall be particularly born by the respective Ward where he so dwells, and the Constable of that Ward shall forfeit 20 s.

Keepers of Publick-houses, Tap-houses, and Ordinaries, who shall receive any Person to sojourn or lodge in their Houses, shall within three Days give notice of them to the Constable of the respective Ward, with their Name, Sir-name, and former Dwelling and Trade.

No keeper of Publick-house, &c. to entertain or lodge any suspected Person, or Men or Women of Evil-fame: both these Heads under Penalty of 10 s. each Offence.

New York ls. **Freemen.**

No Person to keep shop, or sell any Goods by Retail or Exercise any Handy-craft-trade, but such as Freemen of the City, under Penalty of 5 s. every Offence.

All Persons hereafter to be made free shall pay the following Fines for the Use of the City; every Merchant-Trader or Shop-keeper three Pound twelve Shillings, and every Handy-craft Man, one Pound four Shillings, besides the customary Fees.

Streets.

Streets.

No carrying Ashes, Filth, Dirt, or Oytershells, or any thing which may give annoyance, may be thrown out into the Streets under penalty of three Shillings.

All Persons every Saturday Morning to cleanse the Streets before their own Doors, and laying the Dirt into heaps to cause it to be put into the Carts appointed to carry it away under like penalty.

No Person shall shoot any Gun, or throw any Stone in the Street for any Wager under like penalty.

No Swine to be suffered in the Streets under forfeiture of the Swine, half to the Officer who shall find or take the same, the other half to the City.

Licensing.

No Person to sell any Wine, Bear, or other Liquor in less quantity than five Gallons, without Licence, under the penalty of five Pound.

Building.

Sworn Surveyors to be appointed within the City, and no Man may build before the Front of the Ground be viewed and laid out by them.

No Pavement to be made in the Street but as the Surveyors shall appoint, with the Consent of the Aldermen, and Assistants of the respective Ward.

The Surveyor shall receive six Shillings from the Owner of every House to be built for laying out the Ground.

Viewers and Searchers of Chimneys, and Fire-hearths to be appointed by the Mayor and Aldermen.

The said Mayor and Aldermen on complaint of the Viewers, shall order Defects of Chimneys, &c. to be mended and repaired, and on Default may fine the Offender, not exceeding 20 s.

No Hay, Straw, or combustible Matter may be lodged in any Dwelling-house in the City, or within ten Foot of a Chimney, 10 s. for each Offence.

Hooks, Ladders and Buckets to be provided by the City, and kept in convenient Places in the City.

Any Person whose Chimney is on fire shall pay 15 s. half to the Informer, half to the City.

Negroes.

No Person to entertain, harbour or countenance any *Negro* or *Indian* Slave, without consent of his Master, or shall sell, give or deliver to him any Rum, Wine, or strong Liquor, or receive or take from them any Money or Goods on any Account whatever; but any Attempt or Offer made by any Slave so to do, they are to reveal the same to the Master or Owner of the said Slave, or to the Mayor or Eldest Alderman of the City on penalty of five Pounds every Offence.

Market.

No Person may forestall any Provisions or Victuals coming to Market, or buy them in any Place but the Market, on forfeiture of the Goods wherever they are found.

No Person shall buy in the Market to retail them again, or otherwise engross the Provisions to be sold there, on penalty of forfeiting all such Provisions so engrossed.

No Huckster shall engross any Poultry, Eggs, or fresh Butter coming to Market under penalty of 40 s.

No stale or unwholsome Victuals, blown Meat, or Leprous Swine to be offered to Sale under penalty of 40 s.

The Mayor and Aldermen once every three Months, or oftner, if they see Cause, are to ascertain the Value and Affize of Bread, and cause the same to be affixed publicly on the City Hall, and to appoint Viewers of the Bread to see that the same be of full Affize and Goodness, and every Baker whose Bread is not good or full affized, shall lose all such Bread and forfeit 20 s. for every Offence.

Carts.

Carts.

Twenty four Carr-men are appointed, and allowed by the Mayor, and Court of Aldermen, and none may serve in that Capacity for Hire or Wages, but such as are so allowed on penalty of 20 s. two of the four and twenty to be the Foremen.

The Carr-men so appointed are to repair the Pavement of the Streets, and Highways, in and about the City at their own Charges, on pain of being turned out.

Every Cart to be two Foot eight Inches wide, and three Foot high, on penalty of three Shillings.

No Carr-man may ride or drive his Cart in the City after Day-light without special Licence from the Mayor, or some Alderman in his absence, on penalty of twenty Shillings.

The licensed Carr-men shall by turns, four of them every Saturday, attend with their Carts and Horses to carry away the Dirt of the Streets *Gratis*, and to load their Carts themselves, the same being before swept into Heaps; and one of the Fore-men of the Carr-men shall every Friday wait on the Mayor or Recorder, or in their absence the Eldest Alderman, for Order where such Dirt shall be carried.

No Carr-men to ride on the Carrs in the Streets on penalty of six Shillings, one *John Longstraw* excepted.

The Carr-men to be observant of their Fore-man's Orders on penalty of 3 s. or losing their Places, and the Captains of the Carr-men are to keep their Number full, and on the removal of any one to make their address for another.

The Carr-men shall duly divide themselves, one half to tend at the Water-side, and the other half in the City, and take it by Turns on the forfeiture of three Shillings for every Offence.

No Boys or Negroes to drive any Carts for Wages without Licence from the Mayor, nor no Carr-man to let out his Cart without Licence on penalty of 3 s.

Carr-men shall ride their Goods to the right Owner on penalty of 40 s. for every Offence, and shall leave all other Employments to attend the riding up of Wheat-Flower, or any Goods subject to damage on penalty of 3 s. to the City.

U 1

Prizes

Prizes of Carriage settled by this Law, and Carr-men not to demand more for a Load to any place within the Gates of the City than 3 *d.* Half-penny;

Except for Wine, Lime, Pantiles, Bricks when piled in the Cart; which because of the Trouble of unloading, they are allowed 6 *d.* per Load.

For Cord-wood from the Boat to the place of cording, and after corded to the Owner's House 1 *s.* 6 *d.* If not desired to be corded, 1 *s.* only.

And for every Load of Goods or Cord of Wood carried without the Gates, *Viz.* beyond the *Maiden-pull* or *Smiths-flye* in *Queen-street*, double price.

A Load to be accounted as much as can conveniently be laid on their Carts, or is reasonable for one Horse to draw.

Goods brought to the City in a Ferry-boat, the Carr-men shall forthwith unload the same, all the Carr-men to behave themselves civilly to all People.

If any Hurt or Damage happen to any Goods or Merchandize, while under their Care, and through their Default, they shall make satisfaction.

The Sheriff, Constable, and other Officers to take care of the Execution of these Laws, and to levy and collect the Fine due for the same, and to be accountable to the Treasurer for the Use of the City.

New York Is.

At an Assembly at *New-York*, begun *Octob.* the 1st. and ended *Novemb.* 2. 1700.

An Act for declaring the Town of East-Chester, a distinct Parish by it self.

The Preamble sets forth; That whereas by the Act for establishing the Ministry, it is enacted that the Town of *West and East-Chester*, *Lower-Tonkers*, and the Mannor of *Delham* should be one Parish; and since that it has been found very inconvenient, and a great discouragement of Religion, and the Worshipers of God, for the Inhabitants of *East-Chester* to travel to *West-Chester* to Church.

It enacts that from henceforth the said Town of *East-Chester*, shall be separated from the Parish of *West-Chester*, and shall be, and is for ever to remain a distinct Parish, by the Name and Stile of the Parish of *East-Chester*, in the County of *West-Chester*;

Provided the Inhabitants do maintain a good Orthodox Protestant Minister at their own Charges.

New York Is.

At an Assembly held at *New-York*, begun *March 2.*
ended *May 16.* 1699.

An Act to enable the respective Towns to build and repair Meeting-houses, and other publick Buildings.

The Preamble sets forth; That whereas they are at a great loss for want of publick Buildings, for the Worship of God, and other publick Services: To remedy this,

'Tis enacted, that the Trustees of any Town, or any Person chosen by a Majority of the Free-holders, shall have Power once a Year to make a yearly Law for the erecting a publick Edifice, or Church for the Worship of God, or for a Town-House, or Goal for the Use of the respective Town or Place where the same is wanting.

The Tax and Rate to be laid and levied in the same Manner, as other publick Taxes are laid, for the defraying the publick Charges of the County.

On the refusing or neglect of Payment, the Money to be levied by distress by Warrant from the Justice of Peace.

The Money collected by this Act to be employed for no other Use than the building, or repairing of the Buildings aforesaid.

The Precinct of *Bridge-Hampton*, commonly call'd *Sagaboneck*, and *Mecoxe*, within the Town of *Southampton*, is hereby made a distinct Parish for ever, with all the Power of this Act for Building a Church or other publick Edifice, as other Towns or Parishes may.

New-York ls. Jesuits and Popish Priests.

All Jesuits, Seminary Priests, Missionaries, or other Ecclesiastical Person made, or ordained by any Power or Jurisdiction derived or pretended from the Pope, or See of *Rome*, residing or being within the Province, to depart the same on, or before, the first of *Nov.* 1700.

If any such continue, remain, or come into the Province after the said first of *Novemb.* he shall be deemed an Incendiary, a disturber of the publick Peace, an Enemy to the true Christian Religion, and shall suffer perpetual Imprisonment.

If any such Person being actually committed, shall break Prison and escape, he shall be guilty of Felony, and if retaken shall die as a Felon.

Persons receiving, harbouring, succouring, or concealing any such Person, and knowing him to be such, shall forfeit the Summ of 200 Pounds, half to the King for and towards the Support of the Government, and the other half to the Prosecutor, shall be set in the Pillory three Days, and find Sureties for the Behaviour at the Discretion of the Court.

Any Justice of Peace may cause any Person suspected to be of the *Romish* Clergy to be apprehended, and if he find Cause may commit him or them in Order to a Trial.

Any Person without Warrant may seize, apprehend, and bring before a Magistrate any Person suspected of the Crimes above, and the Governour with the Council may suitably reward such Person as they think fit.

This Act not to extend to any of the *Romish* Clergy who shall be shipwreckt, or through other Adversity be cast on Shoar, or driven into this Province, so as he or they continue no longer within the same, than until he may have Opportunity for his Departure.

Such Person so shipwreckt, &c. shall immediately on his Arrival attend the Governour, or some one of the Council, and acquaint him with his Circumstance, and observe the Directions which shall be given him during his stay in the Province, or shall have no benefit of the abovesaid Provisor.

*Laws for Church-Affairs in New-England.**Massachusetts Bay in New-
England, 1692.***For the Settlement and Support of Ministers.**

THE Inhabitants of each Town within the Province are to provide themselves with one at least able Learned Orthodox Minister of good Conversation and Report, which Minister or Ministers shall be sufficiently supported and maintained by the Inhabitants, and all Contracts, Agreements or Orders made, or to be made by, and between any of the said Inhabitants, and their Ministers or Schoolmasters shall be good and valid, and shall be perform and executed according to the true Intent and meaning of such Agreement.

If such Contracts are expired, and the Inhabitants shall neglect to renew their said Agreement, or continue the Provision of their Minister as before on complaint made to the Quarter-Sessions, the Justices are empowered to rate the Town according to their Abilities for the Support of their Minister, and to cause the same to be levied and collected accordingly.

If a Town be destitute of a Minister six Months, and having not taken due Care to procure, maintain, and encourage such Minister, the Quarter-Session shall give them three Months time to supply themselves, and on continued Omission the Court shall take Care to provide and settle a Minister, and to provide them according to the Capacities of the Town.

The respective Churches in every Town shall at all Times enjoy all their Privileges and Freedom in Divine Worship, Church-Order and Discipline.

A Minister once duly chosen and rightly qualified shall from that time be, and be received as the Minister of the Town, and the whole Town shall be obliged to pay towards his Maintenance.

Every Town having 50 Houſholders ſhall be conſtantly provided of a Schoolmaſter to teach their Children to write and read; and every Town having 100 Houſholders ſhall have a Grammar-School, every ſuch Schoolmaſter to be ſuitably paid by the Inhabitants, which Payment ſhall be taken Care of by the ſelect Men of each Town.

Every Town omitting ſhall forfeit ten Pound being convicted of the ſame at the Quarter-Sessions, which penalty ſhall be to the Support of ſuch School or Schools, where there is moſt need, to be levied by Warrant from the ſaid Sessions, and paid to the County-Treaſurer.

Anno 1693. Further Acts for Ministers.

Every gather'd Church ſhall have Power according to the Word of God to chooſe their own Miniſter, and the Clause enabling all the Inhabitants to elect is by this Act repealed.

The Major-part of the Inhabitants who do there uſually attend the Worſhip of God, concurring with the Churches Act in ſuch Caſe; the Miniſter ſo choſen and accepting it ſhall be the Miniſter of that Church, towards whoſe Maintenance all the Inhabitants and rateable Eſtates ſhall be oblig'd to pay in proportion.

The Town of *Boston* is exempted from this Act, and left to their own Cuſtoms.

Where no Church is gather'd the rateable Inhabitants ſhall chooſe a Miniſter by Majority of Voices, with advice of three neighbouring ordain'd Miniſters, and giving publick Notice fifteen Days before-hand, to which Miniſter all rateable Eſtates and Inhabitants ſhall pay.

In Caſe of the Neglect of Maintenance to any Miniſter duly choſen on Complaint to the Quarter-Sessions, they ſhall provide for the ſaid Miniſter, and fine the Delinquents not exceeding 40 s. for the firſt Offence, and 4 l. for every Offence after.

If on a gather'd Churches chooſing a Miniſter, the Inhabitants or the Major-part reſuſe to aſſent to the Parſon, the Church may call in a Council conſiſting of the Elders and Meſſengers of three or five neighbouring Churches;

If the said Council approve the Choice and the Minister accept of the Choice, and settle among them he, shall be the Minister of the Place, and be supported and Maintained accordingly.

No Parson by Reason of Voting in the Church, shall lose his Vote as an Inhabitant in the Election of a Minister.

By an Act in the 13 of *William* the Third the Penalty for a Town Omitting to Erect a School according to a former Law shall thenceforth be Twenty Pounds.

Every Grammar School Master to be approved by the Minister of the Town, and the Minister of the two next Towns, or any two of them by Certificate under their Hands.

No Minister of any Town shall be the School-master.

Grand-juries shall enquire of the Breaches of this Law, and present to the Quarter Sessions; the Justices of Peace to see the Law Executed.

Additional Laws for support of Ministers in the Reign of Queen Anne.

Upon Complaint that any Minister is not duly encouraged, Supported and Maintain'd according to Contract made with the Inhabitants, or allowances Ordered by General Sessions of the Peace; the Court may over and above such fine as is already laid by former Laws, direct and appoint Select Men or Assessors, to assess and apportion the Summ agreed to, and to Issue Warrants to the Constables for Collecting the same, and all Charges of such Extraordinary Assessments shall be paid out of the Fines raised on the Delinquent, the Remainder to the County Treasury.

The Inhabitants of each respective District may appoint a Clerk, and Assessor for raising Maintenance, and to make out a Warrant for the Town Rates directed to the Constables, who are to observe such Warrant as sufficient.

In Case the Assessors Named refuse to act, the select Men of the Town shall Assess the same.

Jesuits

Jesuits and Popish Priests.

Every Jesuit, Seminary Priest, Missionary, &c.

Word for Word with the same Case at *New-York*:

See P. 294.

South Carolina. Settlement of the Church at Charles Town.

Whereas by the Grant of King *Charles* the Second, to the Lords proprietors, it is Expressly provided that no Religious, Ministry Except the Church of *England*, should have any Publick Maintenance.

His Excellency the Palatine, and the rest of the Lords Proprietors in their Rule and Instructions of Government, Ordred that the Ministry of the Church of *England*, should accordingly be Establish'd and none other.

Pursuant to these Provisions, the Commons Assembl'd for the Province of *South Carolina* Enacted,

That so much Land be bought in or near *Charles's* Town, not exceeding the Value of 140 Pounds, in such a Place as the Commissioners Nam'd in the Act shall appoint, and thereon to be built a House or Houses, with in Twelve Months after the Date of the Act, and the Ground to be paled in or Fenc'd about all as the said Commissioners shall Direct, the which shall not exceed 350 Pounds to be paid out of the Publick Treasury, there shall be also bought one Healthy Negro Man Servant, and One Negro Woman Servant, Four Cows, and Four Calves, to be paid for out of the Publick Treasure.

The said Land, House or Houses, Servants and Cattle, are appointed to be for the use and benefit of such Minister of the Church of *England*, as the Major part of the Inhabitants of *Charles's-Town*, and the Neck between *Cooper* and *Ashley-River* as far up as *John Pride's* Plantation on *Coopers-River*, and *Chr. Smith's* Plantation for *Ashley-River* Inclusive, which are qualified by Law no Members of the Assembly, and as are of the Church of *England*, shall Choose and Approve of.

The Receiver General for the Time being, shall over and above the said House, Servants and Cattle, pay to the said Minister, One hundred and Fifty Pounds per *Annum*, in Dollars or Spanish Pieces of Eight, not weighing less than thirteen Penny weight, at 5 s. per Piece, *Viz.* 50 s. every 4 Months.

Samuel Marshal Nominated the first Minister during his Life, or so long as he shall think fit to continue in the Colony, and Serve in the said Ministry.

Six Commissioners Nam'd by the Act to appoint the House, Land, Cattle, &c. Who in Case the Publick Treasury have no Cash to pay the Ministers Sallary, together with five reputable Free-holders, which they shall Associate to them, are Empowred to Levy and Asses the said Summ of 150 l. per *Annum* on the Inhabitants.

The Assessment to be laid equally and Indifferently, and to be levied by the Constables, who in Case of Refusal or Neglect shall forfeit 50 l. which Summ so Collected, the Commissioners shall Pay to the Minister as before.

Distress shall be made where Payment is refused, the Warrant to be given by the Commissioners under their Hands and Seals to the Constables, who shall Execute the same under the Penalty of five Pounds for every Neglect or Refusal.

Goods Destrained for this Tax shall be sold in 3 Days by publick Out-Crys in *Charles-Town*, and the Overplus, the Tax and Charges first paid, to return to the Owner.

All Penalties and Forfeitures to be divided, $\frac{1}{3}$ to the Prosecutor, and the other $\frac{2}{3}$ to the Commissioners to be added to the 150 Pounds, per *Annum*.

If any Commissioner die or remove out of the Province, the remaining Commissioners or a Majority of them, shall Nominate One to succeed him.

South Carol. Is. Provincial Library.

The Preamble of the Act recites, That whereas at the Promotion of the Reverend Dr. *Bray*, and by the Encouragemet and Bounty of the Lords Proprietors, and the Inhabitants of the Province, a Library hath been sent Over to this Province for the Publick use; for securing the Books it is Enacted,

The

The Library shall Be, Continue and Remain in the Custody and Keeping of the Minister of *Charles Town*, for the time being, who is bound to keep the said Library from Waste, Damage and Imbezilment, and all other Destruction, and to be accountable for the same, fire and unavoidable Accidents excepted.

The Minister for the Time being, at his coming to the Place, shall pass two Warrants, One to the Commissioners, and One to the Church-Wardens, in which the Names and Titles of every Book shall be Inserted, and in Case of Embezilment of all or any part of the Books, the Incumbent shall forfeit and pay double the Value of them.

The Commissioners are Empowered to Sue for the Damage, and the Money recovered to be disposed within Twelve Months for the Compleating the Library.

In Case of the Death of the Minister Incumbent, the Church Wardens for the Time being are to take the Library into their keeping, and to be accountable to the Commissioners.

The Church-Wardens on taking the Library into their Custody are to compare it with the Receipts formerly given, and if any Books are wanting or Damnified, they shall give an Account of it to the Commissioners within twenty Days, and if the Church Wardens refuse to give such Account, they shall be accountable for the whole, as if no Damage or Imbezilment had been made.

Any Inhabitant may borrow any Book out of the Library giving a Note under his Hand, acknowledging the Receipt, and promising to return it, if a Folio in 4 Months, Quartos in 2 Months, Octavo's or under in one Month, upon the Penalty of Paying 3 times the Value in Case of a Failure or Damnifying the Book.

The Incumbent is oblig'd to keep a Book in which he shall enter the Receipts for all Books borrowed, and when returned shall note it returned, but not Cross or Blot the Book.

If a Book borrow'd be Damnified or refus'd to be returned, the Commissioners may levy three times the Value by Distress, and for want of such Commit the Person to Prison till Satisfaction be made.

Seven Catalogues of the Books shall be made, One shall be sent to the Lords Proprietors of the Province, to *England*, One to the Lord Bishop of *London*, One to Doctor

Bay,

Bray, One to be Recorded in the Secretaries Office of the Province, One shall remain in the Custody of the Commissioners, under which the Incumbent shall sign a Receipt for the Books; One to be in the Custody of the Church Wardens under which the Incumbent shall also sign a Receipt, and one to be fairly Entred in a Book for that purpose, and to be kept by the Incumbent in the said Library for any Person to read.

The Commissioners are Empowred to value and rate every Book in the Library, which Appraisement shall be the standing Rule to Judge of the Value of any Book, in Case of Suit, for the loss or Damnifying any Book.

The Commissioners to Visit the Library, on the 5th of *November* every Year, and Examine the Books by the Catalogue.

All Persons borrowing any Books are to return them by the 26 of *October*.

The Commissioners are to be Nine, the first are Named in the Act, and in Case of Death, the Governour for the time Being, is to Nominate others who are to continue till the next General Assembly onely.

The Commissioners on a View, if any Book lent abroad be not restor'd at the time of the Viewing the Library, may summon the Persons who borrowed them, to restore the same in twenty Days on pain of paying the penalty of 3 times the Value of the Book.

All Persons who have any of the Library Books in Hand at the making the Act, are to restore them by the first of *January* on like Penalty.

This Act read and ratified 16 *November* 1700.

At an Assembly in *Bermudas*, Sept. 4. 1693.

Bermudas Is.

Ministers.

The Incumbent of the Parish of *St. George* shall be paid 50 *l.* Current Money of *Bermudas* Yearly, and to have the Rent and Profits of, or Occupation of two Shares of the Glebe Lands in the said Parish of *St. George's*.

The Minister officiating in the Country part of the said Islands, if two, shall have each forty Pounds, like Money, to be raised out of the respective Tribes they serve in, and to have equal share in the Glebe Lands.

If

If three Ministers serve in the Country, the third to have 40 *l.* per *Annum*, and the Glebe Lands to be divided into thirds.

The Money for the said Ministers shall be raised by Assessment in every respective Tribe as follows.

If there be two Ministers among the Eight Tribes, then each Tribe to raise ten Pounds per *Annum*, but if the County think fit to entertain three Ministers then each Tribe shall raise 15 *l.* per *Annum*.

In Case any Person refuse payment, it shall be levied by Distress by Warrant from the Justices of the Tribe or Parish where the Person dwells.

Bermudas *Is.*

Library.

Act for the securing the Provincial Library.

The Preamble recites, That whereas, at the Promotion, Encouragement and Bounty of the Reverend Dr. *Bray*, a Library of Books has been sent Over to the Town of *St. Georges*, which together with some other Books formerly belonging to the said *St. Georges*, were design'd for a Provincial Library for the Use of the Ministers and Inhabitants. It Enacts-----

The Books to be plac'd in the Vestry of the Church at *St. Georges*, to be in the possession and keeping of the Incumbent, who is to be accountable for them, fire and unavoidable Accidents excepted.

The Incumbent shall pass two Receipts for the Books, One to the Church-Wardens, and the other to the Commissioners.

The Receipt shall contain the Titles of all the Books, and the Incumbent shall pay Double the Value of any Book Lost or Damaged.

The Commissioners may Sue for the Penalty, and what they recover shall be laid Out for the Recruiting the Library.

In Case of the Death or Removal of the Incumbent, the Church-Wardens shall take Charge of the Library, shall Compare them with the Catalogue, and if any be wanting shall give an Account thereof to the Commissioners in Twenty Days on penalty of being accountable themselves.

The

The Inhabitants of the Island shall have Liberty to borrow any Book out of the Library giving the Incumbent a Receipt for them, with an Obligation to return them; a Folio in four Months, a Quarto in two Months, an Octavo or under in one Month, on penalty of three times the Value.

The Incumbent is obliged to enter the Receipt into a Book, and to note it down when Returned.

The Commissioners, or any two Justices may Sue any Person who borrows a Book and refuses to return it, and by Warrant shall Distrain for the forfeiture; in Case of no Goods to Distrain, may Commit the Person to Prison.

The Commissioners shall make Eight Catalogues, One shall be sent to *England* to the Lords Commissioners of Trade and Plantations, One to the Secretary of the Society for propagation of the Gospel, One to the Bishop of *London*, One to Dr. *Bray*, One to be Entred on Record in the Secretaries Office of the Island, One in the Custody of the Commissioners, and One in the Custody of the Church-Wardens, under which two last the Incumbent shall sign a Receipt, and One to be fairly Entred in a Book to be kept in the Library for the use of the Inhabitants.

The Commissioner to appraise the Books, which Value to be the establish'd Rule to Sue for the return of a Book or the Penalty of a Book borrowed or damnified.

The Commissioners once every Year shall Visit the Library, and enquire into the Catalogue and the damage done.

Persons Borrowing of Books to have notice to return them ten Days before the Commissioners shall come to Examine.

The Commissioners shall Summon any Person to restore any Book wanting, and in Case of Refusal Distrain for the Value and the Forfeiture.

The Commissioners are Named in the Act, and in Case of Death or Removal the Governour to fill them up.

The Parochial Libraries of *Devonshire* and *Southampton* Tribe, to be in like manner under the Custody of the respective Incumbent, who shall be respectively accountable to the Commissioners of *St. Georges*, as in the former Clauses of this Act *Mutatis Mutandis*.

The Commissioners are Empowred to Act and do in all Cases in, of, and concerning the Parochial Libraries, with the

the same Power, and by the same Methods as in the Provincial Library.

The Lay-mans Library sent also over by Dr. *Bray*, to be under the Charge of the Incumbent of *St. Georges*, to be lent to the People of the Island, under the same limitations, and the Commissioners of the Provincial Library, to have the same Power, and to Act by the same Methods, *Mutatis Mutandis*, as in the Case of the Provincial Library.

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Directions to the Binder.

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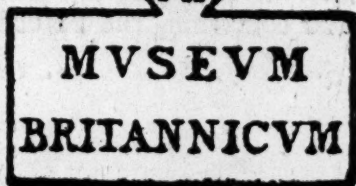
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